

By Mr. COOPER: Memorial of the Legislature of the State of Wisconsin, memorializing Congress to amend section 5219 of the Revised Statutes of the United States relative to the taxation by the several States of shares of stock in national bank associations; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 6540) for the relief of David Leonard; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 6541) granting a pension to Mary L. Nash; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 6542) granting an increase of pension to John K. McBain; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 6543) for the relief of H. B. Howard; to the Committee on War Claims.

Also, a bill (H. R. 6544) granting a pension to Jicie B. Smith; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 6545) granting an increase of pension to Julia M. Smith; to the Committee on Invalid Pensions.

By Mr. RUPLEY: A bill (H. R. 6546) granting an increase of pension to Margaret Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6547) granting an increase of pension to Christianne C. Mentzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6548) granting an increase of pension to John E. Frymier; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 6549) granting a pension to Elizabeth A. Shull; to the Committee on Pensions.

Also, a bill (H. R. 6550) granting a pension to Daniel J. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6551) granting a pension to John Prater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6552) granting a pension to Thomas W. Botkin; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 6553) for the relief of William Force; to the Committee on Claims.

Also, a bill (H. R. 6554) for the relief of Maria N. Kulicke; to the Committee on Claims.

Also, a bill (H. R. 6555) granting a pension to Matthew F. Whitcomb; to the Committee on Pensions.

Also, a bill (H. R. 6556) granting a pension to Mary J. Nelms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6557) granting a pension to Elizabeth A. Sheridan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6558) granting a pension to Margaret McCafferty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6559) granting an increase of pension to Dennis P. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6560) granting an increase of pension to George D. Wilson; to the Committee on Invalid Pensions.

By Mr. WALLIN: A bill (H. R. 6561) for the relief of Cathrine E. Morris; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWN of New York: Petition of the Sag Harbor Yacht Club and the Sag Harbor (N. Y.) Board of Trade, favoring the retention of Sag Harbor as a port of entry; to the Committee on Ways and Means.

By Mr. COOPER: Petition of the board of directors of the Janesville (Wis.) Commercial Club, favoring an amendment to the Stanley bill (H. R. 23133) so as to exclude lumber products; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of sundry citizens of the State of Washington, with reference to land grants to the Oregon & California Railroad Co.; to the Committee on the Public Lands.

By Mr. WALLIN: Petition of the Rotterdam Junction (N. Y.) Local, Socialist Party, favoring an investigation of the trial and sentence of Alexander Scott, of Passaic, N. J.; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of Cathrine E. Morris; to the Committee on Claims.

By Mr. YOUNG of North Dakota: Petition of sundry merchants of the second congressional district of North Dakota, favoring a change in the interstate-commerce laws of the United States relative to selling goods by mail directly to the consumers; to the Committee on the Judiciary.

SENATE.

SATURDAY, June 28, 1913.

The Senate met at 2 o'clock p. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have come to the closing day of this week with a record left behind us not only in the history of this great Nation but as it enters into the individual life of the citizenship of the Nation, a record which Thy servants in the Senate must also meet at the final judgment.

We pray Thee to forgive all Thou hast seen wrong, correct all mistakes that we have made, and overrule all human blunders. Give to us as never before a willingness to follow the divine guidance in the discharge of every duty and a supreme passion to bring about the accomplishment of Thy will in this great land. And as we face the coming day with its holy memories and its sacred associations, give us the spirit of God on the Lord's day that we may learn better than ever before what is the will of God, and have the grace to follow it. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2272) providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1917) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, and it was thereupon signed by the Vice President.

PETITIONS.

Mr. GALLINGER presented petitions of Abbott H. Thayer and Gerald H. Thayer, of Monadnock, N. H., and E. C. McCollum, of the University of Wisconsin, Madison, Wis., praying for the adoption of the clause in Schedule N of the pending tariff bill prohibiting the importation of the plumage of certain wild birds, which were referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2656) to correct the military record of Thomas Smith; to the Committee on Military Affairs.

A bill (S. 2657) for the relief of William S. McCornick; and

A bill (S. 2658) for the relief of Lewis B. McCornick; to the Committee on Public Lands.

ADJOURNMENT TO WEDNESDAY.

Mr. SIMMONS. Mr. President, I move that the Senate adjourn until 2 o'clock p. m. on Wednesday next.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until Wednesday, July 2, 1913, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 28, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, our heavenly Father, we thank Thee for the sublime faith and eternal hope which through all the vicissitudes of the past have moved men toward the higher ideals and made them heroes in the common duties of life. Increase our faith, brighten our hopes, that with unselfish devotion and earnest endeavor we may increase our efficiency and render unto Thee and our fellow men faithful and devoted service. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BUSINESS OF THE HOUSE.

Mr. UNDERWOOD. Mr. Speaker, if it is agreeable to both sides of the House, next week being the week in which the Fourth of July occurs, and many Members of the House desiring to be

away at that time, I desire to make an agreement respecting the adjournment of the House for three days at a time. I understand from the chairman of the Committee on Banking and Currency [Mr. GLASS] that that committee will not be able to report a bill from the committee for at least two weeks. I know of no other important business to come before the House. If it is agreeable to both sides of the House, I would like to enter into a pact that we may adjourn for three days at a time, and transact no business when the House meets except the small business that can be done by unanimous consent, until Monday, July 14.

Mr. BURKE of South Dakota. Mr. Speaker, I will ask the gentleman from Alabama if it would be practicable for the House to take a recess until that time by the passage of a concurrent resolution, and whether or not that has been contemplated?

Mr. UNDERWOOD. Mr. Speaker, I do not think that is necessary. Of course we could do that. There is nothing that we can do between now and the 14th of July, and if we can not enter this understanding, we will undoubtedly come here and adjourn the House for three days at a time. The majority is here. The only reason I ask to make this agreement is that the membership of the House may not be required to stay here.

Mr. MURDOCK. Mr. Speaker, I fail to understand the gentleman's statement about the Committee on Banking and Currency.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. BURKE of South Dakota. Mr. Speaker, the gentleman yielded to me, and I have not yet got through.

The SPEAKER. The gentleman from South Dakota has the floor, the gentleman from Alabama having yielded.

Mr. BURKE of South Dakota. Mr. Speaker, do I understand that the proposition is that until the 14th of July there is to be an understanding that no business is to be transacted, and that the House will adjourn for three days at a time, as has been done on two other occasions?

Mr. UNDERWOOD. Mr. Speaker, my proposition is merely to continue the system that we have had for two weeks or more. Let the understanding be that if there are some small matters, such as sending a bill to conference or something that may be done by unanimous consent, that that can be done, without a quorum being present, and that we will do business only by unanimous consent.

Mr. BURKE of South Dakota. Mr. Speaker, I will say that on yesterday I was told in the Senate that it was contemplated that there would be a concurrent resolution for an adjournment of the House until July 14, and I understood from a conversation with the majority leader last evening that that was in contemplation. I wired to the gentleman from Illinois [Mr. MANN], who is out of the city, that that was contemplated, and I received a reply that it met with his approval. Now, if the gentleman thinks that is not practical and that the same result can be accomplished by this understanding, which I believe is termed a "gentlemen's agreement," there will be no objection on this side of the House, so far as the Republicans are concerned.

Mr. UNDERWOOD. I will say to the gentleman from South Dakota he misunderstood me if he referred to me as the majority leader, if he is referring to this side of the House. I did not intend to leave the impression on the gentleman's mind that we intended to pass any concurrent resolution.

Mr. BURKE of South Dakota. Well, I do not think it is very material which way it is done; I would prefer it to be done that way, and then there would be an understanding there would be no session of the House until that time.

Mr. UNDERWOOD. Well, the gentleman understands the arrangement we made several weeks ago—

Mr. BURKE of South Dakota. Yes; and that was very satisfactory.

Mr. UNDERWOOD. And my purpose is if we can agree we can make the same arrangement for two weeks—that is, up until Monday, the 14th day of July.

Mr. GARNER. Will the gentleman permit a question now?

Mr. UNDERWOOD. Certainly.

Mr. GARNER. Has the gentleman from Alabama talked to the chairman of the Committee on Appropriations in reference to the day on which he will bring in his deficiency bill?

Mr. UNDERWOOD. I did talk with the gentleman from New York. Of course there is nothing in this arrangement that will prevent the gentleman from New York passing a deficiency bill if it can be done by unanimous consent.

Mr. GARNER. Yes; but there are very important matters covered in that deficiency bill, and in the conversation with the gentleman from New York yesterday, he was very anxious, at as early a date as possible, as soon as he can get through with the hearings, to pass that bill. Now, we want to stay here

and pass that bill when it is necessary and not wait for unanimous consent to do it, in order that we may have sufficient money to run the Government, before we understand there is to be an agreement to adjourn over for two weeks.

Mr. UNDERWOOD. Mr. Speaker, my understanding with the gentleman from New York was that he had no objection to this agreement. But I do not care to make it, I was only making the request for the convenience of the House, and I will give notice that the House will adjourn three days at a time until we have business to transact—

Mr. MURDOCK. I did not quite understand the gentleman's explanation about the program on banking and currency. I wish the gentleman would repeat that.

Mr. UNDERWOOD. I do not know anything about the program on banking and currency except I asked the gentleman from Virginia whether he would be able to report a bill to the House before the 14th day of July, and he said they would not. That is all I know about it.

Mr. MURDOCK. And then after we reconvene on July 14 there is a probability we shall go on with general debate on the currency?

Mr. UNDERWOOD. Well, I do not know, I can not tell the gentleman; I am not informed.

Mr. MURDOCK. Can the gentleman inform us as to the progress of the tariff bill?

Mr. UNDERWOOD. I can not; the gentleman knows as much about it as I do.

Mr. MURDOCK. Is there any likelihood of the tariff being ready for report and action and debate in the Senate before July 14?

Mr. UNDERWOOD. I have no information whatever. Mr. Speaker, as there seems to be some objection, I will withdraw the request.

Mr. MURDOCK. I want to say to the gentleman from Alabama, if he will permit, that it is entirely agreeable to me to have a concurrent resolution to adjourn over until that time, but if he does not want it—

Mr. UNDERWOOD. Oh, I do not think there is any reason why this House should interfere with the action of the Senate—

Mr. MURDOCK. Then I hope the gentleman will make provision that nothing but unanimous consents shall come up until July 14.

Mr. UNDERWOOD. Well, I withdraw my request.

Mr. CANDLER of Mississippi. Will the gentleman from Alabama assure us that no business of importance will be transacted until that time?

Mr. UNDERWOOD. I can; but I say, as I see there is objection—

Mr. MURDOCK. There is no objection on my part.

Mr. BURKE of South Dakota. The gentleman is laboring under a misapprehension—

Mr. UNDERWOOD. Well, there are some gentlemen on this side.

Mr. BURKE of South Dakota. Oh, well—

The SPEAKER. The gentleman from Alabama withdraws the request, and that is the end of that matter.

LEAVE OF ABSENCE.

By unanimous consent, Mr. POWERS was granted leave of absence on account of important business.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill and joint resolution of the following titles:

On June 23, 1913:

H. R. 2441. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

On June 27, 1913:

H. J. Res. 103. Joint resolution appropriating \$4,000 to defray traveling expenses of soldiers of the Civil War now residing in the District of Columbia from Washington, D. C., to Gettysburg, Pa., and return.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2254. An act to amend chapter 1, section 18, of the Judicial Code; and

S. J. Res. 5. Joint resolution providing for the appointment of a commission to consider the need and report a plan for national aid to vocational education.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 98. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Brunswick, Ga., in July, 1913.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2254. An act to amend chapter 1, section 18, of the Judicial Code; to the Committee on the Judiciary.

S. 1353. An act to authorize the board of county commissioners of Okanogan County, Wash., to construct and maintain a bridge across the Okanogan River at or near the town of Malott; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 5. Joint resolution providing for the appointment of a commission to consider the need and report a plan for national aid to vocational education; to the Committee on Education.

PERRY'S VICTORY CENTENNIAL.

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD on the subject of Perry's Victory Centennial.

The SPEAKER. The gentleman from Pennsylvania [Mr. SHREVE] asks unanimous consent to extend his remarks in the RECORD on the Perry Centennial. Is there objection? [After a pause.] The Chair hears none.

LAKE ERIE DAM (S. DOC. NO. 118).

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on Rivers and Harbors:

To the Senate and House of Representatives:

Pursuant to the provisions of an item contained in the river and harbor act of 1902 and subsequent amendments, providing for the formation of an International Waterways Commission and defining its duties, I have the honor to transmit herewith the final report of said commission upon the proposed dam at the outlet of Lake Erie.

Should Congress make provision for the printing of such report as a document, the American section of the commission requests that 500 copies thereof be made available for its use.

WOODROW WILSON.

THE WHITE HOUSE, June 27, 1913.

The SPEAKER. There is a note appended to the message saying that the documents in the case went to the Senate with a copy of the message.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 1917. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

BUSINESS PROSPERITY.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD an editorial appearing in the Vincennes Daily Sun of June 26, 1913.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks by printing an editorial from the Vincennes Sun of June 26, 1913. Is there objection? [After a pause.] The Chair hears none.

The following is the editorial referred to:

"O YOU PROSPERITY.

"It is almost universally conceded by the press and by representatives of large business interests that there is strong promise of a season of unusual activity and prosperity in business. This situation right in the very teeth, you might say, of the most radical tariff reductions and currency reform ever proposed by any President or Congress is in the nature of a miracle. It can not be accounted for save on the single hypothesis that the people and the legitimate business interests have faith in the integrity of the administration man and his purposes. There is scarcely to be found a newspaper of high or low estate, nor a leader of prominence or influence in any party, but that is either by his silence acquiescing or is outspoken in conceding honesty and ability to President Wilson and his administration counselors.

"When we consider that either adversity or prosperity is so largely in the thought, and when we find the whole thought of the business world and of the country imbued with the idea that prosperity is due and imminent, we can rest assured that the country is safe."

THE TARIFF.

Mr. WILLIS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. WILLIS. I desire to ask unanimous consent to extend my remarks in the RECORD by embodying as a part of those remarks an article prepared by the National Grange legislative committee on the subject of the tariff.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the subject of the tariff. Is there objection? [After a pause.] The Chair hears none.

The following is the article referred to:

THE GRANGE AND THE TARIFF.

To the honorable Members of the United States Senate and House of Representatives:

The legislative committee of the National Grange, representing the hundreds of thousands of farmer members of that great conservative fraternity, recognize the fact that the responsibility of legislating for the hundred million citizens of this country is upon you, and that the temper of that citizenship is to exact an accounting of your legislative stewardship. The Grange does not expect its legislative committee to be lobbyists in any sense, but as plain farmers to present to our national Congress in a fair and reasonable way the views of the Grange and the farmers it represents, upon matters of national legislation as they come up for enactment or amendment.

Just at this time the whole country is interested in the tariff law now in process of enactment by Congress. Any substantial modification of the existing tariff laws must affect the interests of all our people more or less seriously, and, as a rule, men will indorse or condemn any proposed change as it may, or as they think it may, affect their personal interests favorably or unfavorably. Statesmen will rise above local or personal considerations and seek the greatest good to the greatest number or the greatest good to the whole country. For more than 40 years the Grange has stood upon the broad platform that "we seek the greatest good to the greatest number," and it further declares that "we desire a proper equality, equity, and fairness; protection for the weak; restraint upon the strong; in short, justly distributed burdens and justly distributed power."

It is only fair to those who agree with us, as well as those who do not agree with us, that we present to you the position of the Grange upon the tariff question, which is now so acutely before the American people. In one form and another the Grange has for many years repeatedly taken the broad position that so long as protection is the policy of the Government, that agriculture is entitled to a full share of protection.

At the forty-third session of the National Grange in November, 1909, it specifically said: "That whatever the policy of the Government may be, the farmers of the United States demand that so far as possible such measure of direct benefit therefrom as is given to manufacturers or any other industry of the country shall also be accorded to agriculture."

At the annual meeting of the National Grange in 1910, the following resolutions were unanimously adopted:

"Whereas the National Grange at its forty-third annual session condemned the tariff law of 1909 as unjust to the farmers of the country, and in no sense in accord with the promises of tariff revision made by the party responsible for its enactment: Therefore

"Resolved, That the National Grange urges that in any future revision of our tariff laws the duties upon any article should never exceed the difference between the labor cost of producing such article in this country and in foreign countries, and

"Resolved, That we favor the immediate amendment of the present tariff act so as to reduce the excessive protection now given to many staple manufactured articles, the production of which is controlled by trusts and monopoly combinations, and

"Resolved, That we urge a material reduction of the duties on all articles which are sold by our manufacturers in foreign markets at lower prices than those charged to the people of this country."

Similar resolutions were adopted in 1911, and at the annual session held at Spokane, Wash., November, 1912, the following resolution was unanimously adopted: "We believe that the tariff should be so regulated that it shall not cover more than the difference between the cost of production at home and abroad, and if we are to have free trade for one, we should have free trade for all. And further, that when the manufacture or sale of any article becomes monopolized, that the tariff be removed from such article."

There is no misunderstanding the position of the National Grange upon the tariff question. The Grange has not undertaken to say whether protection, tariff for revenue, or free trade is the best policy for this Government, and being a nonpartisan organization, its members belong to all political parties and, of course, have different views upon economic questions, but there is practically unanimous agreement that whatever the policy of the Government may be, that the farmers should receive a horizontal rate of protection with the manufacturer, or in other words, "Tariff for all or tariff for none."

As Past Master Rhone, of Pennsylvania State Grange, has said, "When the people at the ballot box decide any issue raised by the political parties on general principles, our order cheerfully accepts the situation and only insists that the policy thus indorsed shall be fairly carried into effect without any discrimination against the farmer. In the change of the political situation of our country our farmers had reason to believe that in the revision of the tariff, placing it on a new basis, that it would be so adjusted that duties would be imposed largely on luxuries and such products as might be imported that would directly come in competition with American agriculture productions and American manufactures, which are essential to give employment to American labor and capital. In fact this was guaranteed in the platform of the party in power."

We frankly admit that the difficulty that Congress must find in so radical a revision of our tariff laws as is now proposed, and with every possible concession to a spirit of fairness and equity, and in compliance with Grange principles, we find ourselves compelled to object to some of the changes proposed in the agricultural schedule of the bill which has passed the House and is now being considered by the Senate, especially the proposition to place agricultural products on the free list as "raw material." All products as they leave the farm are the "finished products" of the farmer, as much as are the output of the factories the finished products of the manufacturer, and any and every protection or advantage that is accorded to one should be accorded the other. If we are to have free raw sugar, then free refined sugar; if free wool, then free woolens. The proposition to put wool on the free list while a tariff is continued on the goods made from wool is unfair as between the farmer and the manufacturer.

It is manifestly inexpedient for us to take up the tariff schedule in detail in this communication, but we desire to present as forcefully as possible the views of the farmers of the country and to assure you that they are wide-awake and studying economic problems as never before. They have no means or time to spend as lobbyists, but they are learning how to use the ballot. The farmers of the country are not opposed to a downward revision of the tariff and they know the difference between "downward" and "upward" and they insist upon not being discriminated against in the letting down of the bars.

All history proves that agriculture is the basis of national prosperity, and the broadest, deepest, and most fundamental problem before the American people to-day is the insurance of agricultural progress, prosperity, and development. We should not lose sight of the fact that agriculture can not be made prosperous by talk alone.

Frankly and respectfully we have presented for your consideration the attitude of the Grange upon the subject of tariff revision, and we venture to express the hope that Congress will do nothing that will unfairly discriminate against the agricultural interests of the country. Respectfully submitted.

OLIVER WILSON,
T. C. ATKINSON,
N. P. HULL,

Legislative Committee National Grange.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Committee on Public Buildings and Grounds was called.

FEDERAL BUILDING AT NEWARK, N. J.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 6383.

The SPEAKER. On what calendar is the bill?

Mr. CLARK of Florida. On the Union Calendar.

The SPEAKER. It can not be called up until we get through with this call.

Mr. CLARK of Florida. I am asking unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the bill which the Clerk will report by title.

The Clerk read the title of the bill (H. R. 6383) to amend section 19 of an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913.

Mr. GARRETT of Tennessee. Will the gentleman modify his request so that the bill may be considered in the House as in the Committee of the Whole?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I wish the gentleman would tell us something about this bill.

Mr. CLARK of Florida. Mr. Speaker, in the last public buildings bill there was an item providing for the sale of the Government building at Newark, N. J. The act, in brief, stipulated that the Secretary of the Treasury was authorized to sell the property for not less than \$1,800,000, and he was further authorized to use not more than \$800,000 in the purchase of a new site, and the balance of the proceeds arising from the sale were to be used in the construction of a new building in that city. It did not take one cent out of the Public Treasury. But the law officers of the Treasury Department, in construing the section, held that while the act did give the Secretary of the Treasury the authority to sell the property, and gave him the authority to invest not exceeding \$800,000 in a new site, the language, in their judgment, was not sufficient to empower the Secretary to use the remainder of the proceeds arising from the sale in the construction of a new building. This is a bill introduced by the gentleman from New Jersey [Mr. McCoy] to correct that.

I repeat, Mr. Speaker, what I have already stated about this bill. The last public buildings bill carried a section with reference to the public building at Newark, N. J. That provision, in brief, was that the Secretary of the Treasury was given the power to sell the Government property in the city of Newark for a price not less than \$1,800,000. The Secretary of the Treasury was further given the power to buy a new site, using the proceeds of the sale of the property, at a price not to exceed \$800,000.

The committee sought, and the Congress sought, in the passage of the bill to give the Secretary the further power to use all of the remainder of the proceeds in the construction of a new building. The act did not seek to appropriate one dollar from the Treasury of the United States. The law officers of the Treasury Department, in construing this section, held that the act did give the Secretary the power to sell the property; that it did give him the power to invest not exceeding \$800,000 of the proceeds in the purchase of a new site; but that, in their judgment, it did not give the Secretary the right to use the remainder of the proceeds of the sale in the construction of a new building.

Now, this bill has been introduced by the gentleman from New Jersey [Mr. McCoy], in whose district Newark is located, in order to correct that defect. It does not appropriate a single cent. Not one dollar is carried by the bill, except as to the proceeds arising from the sale of the property.

Mr. BURKE of South Dakota. Mr. Speaker, I will say to the gentleman that, referring to the report, it provides that the purposes of the bill are twofold.

Mr. CLARK of Florida. Yes. Perhaps I overlooked that. There is one other provision in it. On account of the fact that the Supervising Architect's Office is so far behind in its work, and on account of the fact that the Government will be forced to occupy and to use this property until the new building shall have been constructed and is ready for occupancy, it was felt that the purchaser necessarily would take that into consideration, and that the purchase price necessarily would be very much lower on that account; and therefore, in order to get more for the property than could be had otherwise, there is a provision in this amendatory act giving the Secretary the authority to employ some outside architects. But the bill does not tax the Treasury with a cent.

Mr. MCCOY. Mr. Speaker, will the gentleman yield to me for a short statement?

The SPEAKER. Does the gentleman yield?

Mr. CLARK of Florida. I do.

Mr. MCCOY. Mr. Speaker, in regard to the provision for the employment of special architects' services, I should like to call attention to this particular situation in reference to the section of the public-buildings bill which we seek to amend. We are limited to getting \$1,800,000 for our present site. We are limited in the bill, so that we can not pay rent to a purchaser for the present site. Consequently we have got to remain in possession and occupation of our present site until a new building is completed and until we are ready to occupy it.

The bill also provides that the new site and the new building must be paid for out of the proceeds of the sale of the present site. Consequently the Treasury Department will be obliged to make a contract with a would-be purchaser by which the purchaser can not get possession of the property until the new building is completed, but in the meanwhile he has got to make payments on the purchase price, and probably the largest payment he will have to make will be the one in the beginning, with which we are to buy the site, and on which we are limited to \$800,000.

Consequently, what the purchaser will have to do when he is figuring how much he can bid is to say, "This property, in my opinion, is worth so much, but I can not get possession of it until three or four or five years, whatever the time may be. I have got to pay my money in advance of possession, and consequently I have got to discount all these payments and estimate interest on each payment from the time I make it up to the time I get possession of the property," and he makes that as a discount.

Now, if we can not use a part of the proceeds of the sale of this building to pay for special architects' services the result will be that we shall have to wait five years before the building can be completed, and, being limited to getting \$1,800,000 for our property, the chances are that the discount that the purchaser will have to make will be so large that he can not afford to pay \$1,800,000 for the property, and the result is that we can not go ahead at all, because unless we get that we can not go ahead with any part of the proposition.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Kansas?

Mr. MCCOY. Certainly.

Mr. MURDOCK. What assurance is there that the hiring of additional architects will expedite the building over there?

Mr. MCCOY. I am assured by the Supervising Architect that if we can make use of some of this money which we get from the sale of the building we can get some of these architects to help in the preparation of the plans. Now, the result of it will not be that any other project will be set back.

Mr. MURDOCK. Why not? That is what I wanted to find out.

Mr. McCOY. Because we are simply using our own money that we get from the sale of this building, and the reason we are so far behind in the regular course of building operations is because the Supervising Architect is limited in what he can spend, and consequently he has to take up a few projects at a time because of the lack of money to do more. But here the money will come, not out of the appropriation for architects' services, but out of the proceeds of the sale of this building.

Mr. MURDOCK. I understand that perfectly, but I do not see how it is possible for the gentleman's project to be advanced without delaying some other project.

Mr. McCOY. I am assured by the Supervising Architect that that will not happen, because, as I say, the reason why he is behind is merely because he has not sufficient money with which to go ahead more rapidly. Now we are not taking any of the money appropriated for the Supervising Architect's Office at all.

Mr. MURDOCK. If this bill does not pass this morning, and provision is not made for additional architectural help, then the gentleman's project will occupy a certain place in the list. If, however, the bill does pass the House and passes the Senate and is signed by the President, then the gentleman's project will be expedited. I say, how is it possible to expedite it without delaying some other gentleman's project?

Mr. McCOY. For the reason that all projects are now delayed merely because there is not a sufficient appropriation to hire the requisite number of architects.

Mr. ADAMSON. Outside architects.

Mr. McCOY. Now, we are not going to take any money from the appropriations made for the architectural force of the Supervising Architect's Office, but we are going to take money which will be the proceeds of the sale of this property, to employ additional or outside architects, and the other projects, as well as our own, will probably be expedited instead of being put behind.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. McCOY. Certainly.

Mr. SHERLEY. Does the gentleman know whether the plans for his building have been approved?

Mr. McCOY. I do know that they have not been.

Mr. SHERLEY. Does the gentleman know what the building is going to cost?

Mr. McCOY. We are limited by the bill to expending the amount which we get for the property in excess of what it costs for the site.

Mr. SHERLEY. Unfortunately that does not limit the cost of the building, as Congress has so often found. What I am trying to get at is, if the gentleman knows whether there has been worked out any plan by which the actual cost of this building that is to be erected has been determined.

Mr. McCOY. No; no plan has been worked out at all, because the moment the Attorney General construed the act as he did the whole matter was held up; and I will say to the gentleman from Kentucky that the committee amended my bill so as to provide specifically that the limit of cost should be the balance of the proceeds after the purchase of the lot. Now, they could not tell how much that would be. There are several offers of property, running all the way from \$300,000 to \$800,000, for the site. They could not name a definite sum, because nobody knows which one of these sites will be selected.

Mr. SHERLEY. The gentleman does know, presumably, the capacity of the building that will be required for the public service there.

Mr. McCOY. I am assured by the architect's office that if we can get one of these sites there will be ample money to provide a building that will be sufficient for the post office, the courts, the internal-revenue collector, and the deputy customs collector.

Mr. SHERLEY. What proportion of the moneys realized from the sale of the present property does the gentleman contemplate will be expended in architect's fees? Is there any limitation?

Mr. McCOY. Yes; the limitation is not to exceed 5 per cent of the cost of the building. That is provided in the bill.

Mr. SHERLEY. I have not had an opportunity to read the bill.

Mr. McCOY. That amendment was also suggested by the Committee on Public Buildings and Grounds, and was incorporated into the bill.

Mr. REILLY of Connecticut. Will the gentleman yield?

Mr. McCOY. Yes.

Mr. REILLY of Connecticut. This seems to be a complicated question, and I wanted to see if I understood how they propose to do. Do I understand the gentleman to say that the new building is to be erected on the site of the old building, and that

the old building is to be used until the new building is completed?

Mr. McCOY. No; I hope the gentleman from Connecticut did not understand me to say that.

The SPEAKER. While there is no gentleman speaking, the Chair will request all Members who do speak to speak so that Members can hear. The semiprivate conversations that are carried on simply lead other Members to go on talking wherever they are.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to ask the gentleman from New Jersey a question. What provision has been made for the payment of rent that will be expended for the buildings required during the construction of the new building, and can any portion of the proceeds of the sale of the old building be used to pay rent?

Mr. McCOY. Absolutely none. We remain in occupation of the old building, and can not deliver title to it until the completion of the new building.

Mr. BURKE of South Dakota. Then how do you propose to sell the building and use the proceeds in the construction of a new building when you are in possession?

Mr. McCOY. The contract will have to provide for the delivery of the deed of the property when we have completed the new building. That is one of the hard things we are up against, and it creates a difficult situation; we are struggling under adverse circumstances.

Mr. BURKE of South Dakota. After the building is sold when is the purchase price to be paid?

Mr. McCOY. According to the tentative contract which was drawn by the Supervising Architect, it calls for enough to pay for the site, and I think three or six months after the advertising of the buildings, and the balance is to be paid in installments as the new building progresses. They are forced to make that arrangement, because we are obliged by the bill itself to pay for the new building out of the proceeds of the property. It is a most difficult situation and has to be handled with great care.

Mr. AUSTIN. Will the gentleman yield?

Mr. CLARK of Florida. I will yield to the gentleman.

Mr. AUSTIN. Mr. Speaker, the post-office building at Newark, N. J., is the most congested public building in the United States. It was constructed 16 years ago, when the Government had 181 officials in the postal service at that place. It has now over 420 officials occupying that same space. The population, on the construction of this building served by the postal officials, was 225,000. It has grown now to over 440,000. The postal receipts of Newark 16 years ago were \$342,000 and in 1912 \$1,240,000, an increase of \$898,000. They pay into the Treasury as a surplus, after meeting all the necessary expenses in conducting the postal service, over \$400,000. The Committee on Public Buildings and Grounds of the last House visited Newark—went through this office while the officials were at work. It would be inhuman and cruel for this Congress not to relieve the situation, much less continue it five or six years longer.

Now, this appropriation or money does not come out of the public Treasury. The Government paid \$60,000 for the site 16 years ago, and we have expended on the building and site about \$400,000. We will get for the present site and building, under the operation of this bill, not less than \$1,800,000, which enables us to buy a new site satisfactory to the patrons of the office for not more than a sum exceeding \$800,000, which will leave a balance of \$1,000,000 for the construction of a building that will be large enough and adequate for the public service for a quarter of a century to come.

Mr. MURDOCK. Mr. Speaker, I realize the pressing need for post-office facilities at Newark. I have personally made an examination. I wish the gentleman would explain to the House how you are going to sell the property for the Government and how the money coming from the sale is to be put back in the construction of another building. When is the purchaser of this Government property to pay for the purchase and what becomes of the money?

Mr. AUSTIN. The transfer of the building to the contemplated purchaser at the earliest possible date means the largest amount of money to the Government. Unless the relief is granted the Government will lose perhaps \$200,000 in the sale of this property, because it will be unable to substitute a new building under the present conditions in the Supervising Architect's Office for at least five or six years. With the present force in that office we are now turning out 90 plans per annum. With the passage of the recent omnibus public-building bill, with the present force in the Supervising Architect's Office, it will be six years before this plan and this building will be ready for a bid.

Mr. MURDOCK. Right there, as a matter of fact, there is nothing to prevent the purchase of a new site now is there?

Mr. AUSTIN. No; but there is something in the bill, as interpreted by the law officer of the Government, to prevent the Treasury Department from utilizing the balance of this money to proceed with the construction of a building upon a new site.

Mr. MURDOCK. The Government, then, would lose nothing in the purchase of a site?

Mr. AUSTIN. It would unless this bill is passed.

Mr. McCOY. Mr. Speaker, if the gentleman will permit, I will say right there to the gentleman from Kansas that there is this: We have to collect the money for this old site as we go along with the new operation.

Mr. MURDOCK. That is what I was trying to get out of the gentleman from Tennessee.

Mr. McCOY. That is to be a part of the contract, because we are limited, in paying for a new site and building, to the expenditure of the money we get from the sale of this site and building. We can not do anything else.

Mr. MURDOCK. Let me ask right there, is there any money at all available for the construction of a new building?

Mr. McCOY. Not a cent until we get it out of this property.

Mr. MURDOCK. Or for the acquisition of this site?

Mr. McCOY. Not until we get it out of this property.

Mr. MURDOCK. Then, you must first sell the old site before you can begin?

Mr. McCOY. Absolutely.

Mr. MURDOCK. Is it contemplated in selling the old site to have a total cash payment for this site at the beginning of the construction?

Mr. McCOY. We have to draw the contract so as to provide that the first payment shall at least equal the amount which we have to pay for the new site, because we can not pay for the new site except out of the money which is paid for the present site.

Mr. MURDOCK. That is perfectly clear to me. Then, subsequent payments are to go to the construction of the building?

Mr. McCOY. That will be paid as in the experience of the Supervising Architect's Office the contractors should get their money on the new building. They had the contract prepared, which provided for payments every three months, I believe, and that was specified because they would make payments to the contractors every three months. They would first get it from the purchaser of this site, and then turn it over to the contractors.

Mr. MURDOCK. May I ask the gentleman why this arrangement was made rather than the ordinary one of purchasing a new site and the construction of a building?

Mr. McCOY. I will state to the gentleman that I introduced a bill in the Sixty-second Congress asking for an appropriation of \$1,000,000 for a new site, but the Committee on Public Buildings and Grounds, after visiting Newark and seeing the situation, seeing that our present site was too valuable for the purposes for which it was being used; that the land is the only thing which is of any value, from a commercial point of view, and that the building was inadequate; that they could not acquire additional property in the immediate neighborhood except at exorbitant prices, and could not remodel the new building except at an exorbitant price, at its own volition adopted this plan.

Mr. SHERLEY. Mr. Speaker, may I interrupt the gentleman right there?

Mr. McCOY. Certainly.

Mr. SHERLEY. I notice that this whole bill is drawn upon the theory of getting the entire cost of the new building out of the price received for the old building.

Mr. McCOY. Yes.

Mr. SHERLEY. While that is its intent, it does not anywhere near accomplish that purpose, because it does not provide for the payment for furnishings, which are a very large part of the cost incident to a new building, and which in the case of some public buildings have amounted, in my opinion, to a public scandal. I think the amount of money that was expended for furnishing the New York customhouse was in every way extravagant and indefensible. And my criticism of this particular bill as presented is that it does not carry in the first instance a requirement on the part of the Treasury Department that they shall have worked out plans showing the ultimate cost, including everything. The trouble is that what happens is just what happened at Boston, for instance. The department undertakes a certain type of building on the condition that it is going to cost a certain amount of money. They go far enough into it to realize that it can not be built for that amount of money, and also far enough into it to force the Government to give an additional amount. Then they come back here with a requirement that we add to the total cost of the building, and I think, if the gentleman will permit, that the

bill ought to carry with it a provision requiring the working out of an exact plan, and that ought not to be difficult, knowing the floor space that is needed, and to include in the cost the entire furnishings, and that no building should be contracted for that could not be built and furnished within the price received from the sale of the old building.

Mr. McCOY. I hope the gentleman will not press that point, because we are now close to the limit of what an appropriate building with its ordinary equipment ought to cost under this limitation as it is on us now.

Mr. SHERLEY. The gentleman says that we are close to the limit, and yet the gentleman a few moments ago, in answer to an inquiry of mine, said there had been no estimate as to the actual cost, but it would probably be within a certain amount. How does the gentleman know it is close to the limit?

Mr. McCOY. I have looked through the list of appropriations that have been made in cities of similar size to the city of Newark, and I think perhaps in only one instance has there been less appropriated than the proceeds of the sale of this property will amount to, and in all the other instances the amount appropriated has been very largely in excess of what we shall use here.

Mr. SHERLEY. Now, if the gentleman will permit, that may be true, and it may be that we ought to appropriate not simply the moneys to be received from the sale of this building, to wit, \$1,800,000, but we ought to appropriate \$2,000,000 or \$2,500,000. About that I express no opinion, because I have none, and I know the tremendous growth of the city of Newark; but this I do express as an opinion: That Congress ought to know, and the department ought to furnish Congress with the information so that it can know, what an appropriate building will cost before we enter upon the construction of one, whether we are getting the money out of the Treasury or out of the sale of old property or not, and because it does not do so makes the vice of the gentleman's bill.

Mr. McCOY. Well, I can only say to the gentleman from Kentucky this: That the Supervising Architect's office has stated to me—the Supervising Architect himself has stated to me—that if we can go ahead under this bill that there is no question but there will be an entirely—

Mr. SHERLEY. Then why does the gentleman make the statement that he has that he could not include the furnishing? Does the gentleman know how much the furnishing of such a building will cost?

Mr. McCOY. No; I do not.

Mr. SHERLEY. Does not the gentleman think the House ought to know that?

Mr. CLARK of Florida. Mr. Speaker, if the gentleman will permit, I would like to say the gentleman from Kentucky will not find a single public-building bill that ever came into this House that arranged for the furnishing of the public building.

Mr. SHERLEY. That is true; and that is one reason I have so much complaint of the methods by which we have appropriated moneys for public buildings in the past.

Mr. McCOY. I hope that I have convinced the gentleman from Kentucky that we are all laboring under sufficiently severe conditions, not asked for by ourselves but placed upon us by the Committee on Public Buildings and Grounds, to request him not to press that point, the merit of which I can see perfectly well. But this is not an extravagant proposition, and unless we can contract with an ordinary free hand along the line suggested by this amendment we might just as well give up the whole thing, because we can not get enough money to go ahead with. Now, if we can not get this through promptly and just as I have stated there will have to be discounts made by the purchaser in determining what he can afford to pay for this building that may bring us down below this \$1,800,000. It was suggested in the committee when we had the hearings that we put the limit at \$1,500,000. They asked us whether we should be willing to have the bill conditioned upon the limit of \$1,500,000 as the minimum price for this old site, and we said yes; but when the bill came out of the committee the limitation was \$1,800,000, because one of the members of the committee—in fact, several of the members of the committee—went there and went over the ground and made a special investigation in regard to the matter and were satisfied that the present site was worth about \$2,200,000, as I recollect.

Now, if it is worth that, then as the matter stands to-day the chances are a purchaser can not give the full \$1,800,000 for the property under the conditions imposed at present.

Mr. SHERLEY. The gentleman does not meet my contention at all. I have no objection to his arrangement, and I grant the need of it, and the wisdom of it, by which you can sell the property so as not to have to discount from the purchase price the rent. But I think that Congress ought to know—and I think

this is a very apt illustration of failure in the past—not by a general statement that we can build within a certain amount, but by the plans themselves, showing what the cost of a building is going to be and what it is going to cost to furnish it. I speak with some knowledge as a member of the committee which carries the appropriation for these bills, that repeatedly case after case has happened where the Government has been committed by physical building, as, for instance, in the Boston case, by an expenditure as to foundation, and we got to a point where we could not go back.

Now, I am willing to appropriate \$2,500,000 if it is needed, but I do not want to appropriate a cent on a guess.

Mr. McCOY. I ask the gentleman not to endeavor to create a precedent in the handling of public-building bills in a case of this kind, where we are furnishing the funds and where I have been assured, as I stated, that they will be amply sufficient for what is contained in the bill. I have not the slightest notion what it will cost to furnish the building. I hope the Secretary of the Treasury, when the time comes, will not only have the good judgment in the interests of the public, but that he will also have the good taste to put in simple furniture, which is the only kind that ought to go in a public building. And if my constituents have the good judgment to send me back here I will cooperate with the Secretary of the Treasury in procuring only what is absolutely needed of the simplest, plainest, and least expensive kind compatible with good quality.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. In the last Congress the question of recognizing Members to call up bills by unanimous consent was discussed on several occasions. On the 7th of December, 1911, the gentleman from New York [Mr. FITZGERALD] made the statement that he should object to the consideration of any bill being called up by unanimous consent on any day other than Unanimous Consent Calendar day, and called attention to the change in the rules which provides for a Unanimous Consent Calendar. On a subsequent occasion, the gentleman from Oregon [Mr. LAFFERTY] asked unanimous consent for the consideration of a bill, and the Speaker stated that under the rules it was not in order to ask for unanimous consent to call up a bill on a day other than the day when bills on the Unanimous Consent Calendar were in order. This bill is upon the Union Calendar, and I think the debate has demonstrated that it is a bill of considerable importance. Therefore I would like to ask the Speaker, if it is in order, to submit a request for unanimous consent for the consideration of the bill at this time?

The SPEAKER. The Chair has tried to explain the rule and practice two or three times. My own opinion is that when that Unanimous Consent Calendar was instituted, it was the intention of the House to confine unanimous consent to that calendar, and the Chair has adhered to that except where there was a matter of pressing emergency, to which there could be no reasonable amount of objection. Now, one day toward the end of the last session there were gentlemen who had four or five bills and resolutions which, if they were not passed before Congress adjourned, would be the cause of the Government losing money by the deterioration of the works that were going on. So late one evening when the House convened, the Chair let in four or five of those small matters, and finally the gentleman from Wisconsin [Mr. COOPER] intervened and wanted to know if we were going to return to the old, bad system, and made some very vigorous remarks. The Chair announced that there was no intention of returning to the "old bad system," as the gentleman termed it, but that these matters were matters of pressing importance. Now, this matter has been explained to the Chair as being in this situation—that if it is not attended to promptly the work of building the public building in that town would be very much obstructed and delayed, and so forth. If anybody wants to object, he has the right to.

Mr. BURKE of South Dakota. Mr. Speaker, I do not want to object, but I shall object.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] objects.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 103. Appropriating \$4,000 to defray traveling expenses of soldiers of the Civil War now residing in the District of Columbia from Washington, D. C., to Gettysburg, Pa., and return.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I have talked with gentlemen on this side who previously indicated some objection to the fact that I was trying to arrange a while ago and they now seem to be satisfied, and I therefore want to renew the proposition I made a while ago, that we enter into a pact on both sides of the House to the effect that there will be no business done after to-day until Monday, the 14th day of July, except by unanimous consent.

Mr. MURDOCK. Mr. Speaker, is it the gentleman's intention to adjourn every three days?

Mr. UNDERWOOD. Yes; if that is agreeable to the gentleman.

Mr. MURDOCK. It is agreeable to me.

Mr. BURKE of South Dakota. Mr. Speaker, my understanding is that the proposition of the gentleman is substantially what was entered into on a former occasion.

Mr. UNDERWOOD. Absolutely.

Mr. BURKE of South Dakota. With that understanding, I have no objection.

Mr. AUSTIN. Mr. Speaker, will the gentleman from Alabama yield?

Mr. UNDERWOOD. Certainly.

Mr. AUSTIN. Mr. Speaker, I want to call the attention of the gentleman from Alabama to a recent interview published in the Washington press with Senator GALLINGER, of New Hampshire.

Mr. UNDERWOOD. Will not the gentleman allow that to go by until I can get this matter settled?

Mr. AUSTIN. It is right in connection with that matter. In that interview the Senator is reported as saying that he and certain of his colleagues in the Senate intended to oppose and obstruct the passage of the currency bill up to the December session unless it was amended. Now, if we are to remain here until December, I submit to the majority of this House the question, Why not let us go forward with the work of Congress and get the committees busy and let us transact public business, and so relieve the regular session of Congress, convening in December, of a great deal of work and permit us to get away early next spring or summer?

Mr. UNDERWOOD. Well, I will say to the gentleman from Tennessee that the statement of one Senator does not determine the policy of the Senate or of the House.

Mr. AUSTIN. But the gentleman knows that under the rules of the Senate a single Senator can prevent a final vote and the final consideration of any measure.

Mr. UNDERWOOD. I will say to the gentleman from Tennessee that we are not responsible for what may be transacted at the other end of the Capitol, and we shall take care of the situation here as it develops.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to his colleague?

Mr. UNDERWOOD. Certainly.

Mr. BURNETT. From the statement made by my colleague, Mr. Speaker, I understand that there is no probability of a currency bill being reported for two or three weeks, and yet those of us who live some distance away from Washington, unless some arrangement should be entered into, can not have opportunity to go home for a few days and come back before important business is actually taken up. Now, unless it is possible to get down to active business before July 14, why not make that date a week or 10 days later, in order that men who happen to live a considerable distance away may have an opportunity to go to their homes and return?

Mr. UNDERWOOD. I made the proposition for two weeks because I asked the gentleman from Virginia [Mr. GLASS] about the probabilities of his reporting the currency bill. He did not say it could be reported in two weeks, but said that it would be safe to make a provision or arrangement not to transact business for two weeks. At the end of that time I think he will be able to do something. But if at the end of that time certain gentlemen are away from here, even then it may not be necessary for them to come back unless they are notified, and they can be notified by wire.

Mr. BURNETT. We can be informed by wire if it is necessary for us to return?

Mr. UNDERWOOD. Yes. If my colleague wants to go away for two weeks and at the end of that time is uncertain as to what will be done and wishes to remain longer, if he will wire me I will attend to it.

Mr. BURNETT. I may say to my colleague that there are a number of Members who would like to go home and stay there for a while if there is no pressing business here.

Mr. UNDERWOOD. I will promise to notify the gentleman by wire.

Mr. ADAIR. Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. UNDERWOOD], referring to the statement of the gentleman from Virginia [Mr. GLASS], why the chairman of the Committee on Banking and Currency can not adjust himself to the action of the House just as well as the House can by its action adjust itself to the proposal of the gentleman who is chairman of the Committee on Banking and Currency?

Mr. UNDERWOOD. Well, the gentleman who is proposing to do the business has, I think, the right of way.

The SPEAKER. The gentleman from Alabama—

ADJOURNMENT UNTIL WEDNESDAY NEXT.

Mr. UNDERWOOD. I do not care to put this in the form of unanimous consent; but we have an understanding that we have entered into this pact for two weeks.

Now, Mr. Speaker, I ask that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. Is there objection?

Mr. MURDOCK. Will that permit an adjournment on Tuesday, to carry us over the Fourth of July?

The SPEAKER. Three days from Tuesday will take it to Friday.

Mr. MURDOCK. Will it go to Friday, or through Friday?

The SPEAKER. It can only go three days.

Mr. MURDOCK. Friday is the Fourth of July.

The SPEAKER. Wednesday will be one day, Thursday two days, and Friday three days.

Mr. PAYNE. The gentleman can attain his object by objecting to this request for unanimous consent. Then, possibly provision could be made—

The SPEAKER. You can only adjourn for three days at a time.

Mr. UNDERWOOD. I understood, Mr. Speaker, that this committee that is going to Gettysburg will go there on Wednesday.

The SPEAKER. We are going on Thursday, if Thursday is the 3d.

Mr. UNDERWOOD. Thursday is the 3d. Then, Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Wednesday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Wednesday next. Is there objection?

There was no objection.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the roll of committees.

The Clerk proceeded with the call of committees.

The Committee on the Judiciary was called.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I ask the Clerk to read.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That the House disagree to the Senate amendments to the bill (H. R. 32) to provide for the appointment of an additional judge for the eastern district of Pennsylvania, and that a conference with the Senate upon the disagreeing votes of the two Houses be asked for.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Alabama with reference to his resolution which he proposes to have considered, which provides that a conference be asked with the Senate, before there is any disagreement.

Mr. CLAYTON. No; the gentleman is mistaken.

Mr. BURKE of South Dakota. The bill has passed the House and has been returned from the Senate with certain amendments. The House has not disagreed to those amendments.

Mr. CLAYTON. The gentleman is mistaken. The resolution which has just been read from the Clerk's desk does disagree to the Senate amendments.

Mr. BURKE of South Dakota. The resolution as printed in the report reads:

That a conference be asked of the Senate upon the subject matter.

Mr. CLAYTON. If the gentleman will pardon me, that is not the resolution which I have offered.

The SPEAKER. The Clerk will report the resolution again, for the information of the House.

The resolution was again read.

Mr. BURKE of South Dakota. As I understand it, the gentleman is now proposing a resolution which is a substitute for the resolution reported by the committee.

Mr. CLAYTON. You may so consider it if you wish. I am offering this resolution now, and asking unanimous consent for its present consideration.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, further reserving the right to object, I should like to ask the gentleman from Alabama, if his resolution is considered will there be opportunity for a separate vote upon these two amendments?

Mr. CLAYTON. I can not say just exactly what the conference report will be, Mr. Speaker. It might be that the conferees would disagree to one of the Senate amendments and recede from its opposition to the other, or it might be that it would agree to both Senate amendments.

Mr. BURKE of South Dakota. The gentleman from Alabama evidently misunderstood my inquiry. What I asked of the gentleman was, Will this resolution, if unanimous consent is given for its consideration, prevent a separate vote now on these two amendments?

Mr. CLAYTON. I think it would if it was adopted.

Mr. BURKE of South Dakota. Mr. Speaker, I do not wish to object to the consideration of the Senate amendments to this bill, but I do object to the consideration of this resolution which has been submitted by the gentleman from Alabama.

The SPEAKER. The gentleman from South Dakota objects.

Mr. CLAYTON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to House bill No. 32.

Mr. BURKE of South Dakota. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. The House is engaged in the call of committees.

The SPEAKER. That is true.

Mr. BURKE of South Dakota. Is it in order for the gentleman from Alabama, the chairman of the Committee on the Judiciary, to call up a bill on the Union Calendar at this time?

The SPEAKER. It is not at this particular juncture, but as soon as the Clerk finishes the call of committees it will be in order.

Mr. BURKE of South Dakota. Perhaps it will save some time, and I want to say to the gentleman what I said a moment ago, that I shall not object to the consideration of the amendments to this bill; but if it is proposed to adopt a resolution that will preclude a separate vote on these amendments, then the gentleman might as well understand now as later, that he will have to have a quorum present before he can adopt the resolution.

The SPEAKER. The matter about the resolution has been disposed of. The gentleman from Alabama will have an absolute right when we get through the call of committees to make a motion to go into Committee of the Whole House on the state of the Union.

Mr. GARNER. Mr. Speaker, no one has made a point of order against the motion of the gentleman from Alabama.

The SPEAKER. The gentleman from South Dakota rose to a parliamentary inquiry and asked if it was in order for the gentleman from Alabama to make the motion when he did, and the Chair replied that it was not.

Mr. GARNER. He got the information.

The SPEAKER. He got the information that it was not in order at this time.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to make a further inquiry, whether or not there are any bills on the calendar reported from any other committee?

The SPEAKER. There are not.

Mr. BURKE of South Dakota. I do not wish to require the Clerk to read the list of committees through, and I am willing, if the Chair holds the motion to be in order at any time, that it may be made now.

The SPEAKER. The motion will undoubtedly be in order after the finish of the call of the roster of committees.

Mr. PALMER. Will the gentleman from Alabama yield to me?

Mr. CLAYTON. With pleasure.

Mr. PALMER. I want to ask the gentleman from South Dakota if it would be satisfactory to him to have the resolution which the gentleman from Alabama has asked unanimous consent to consider at this time considered now, with the understanding that the gentleman from South Dakota may offer an amendment to agree to one or the other of the Senate amendments?

Mr. BURKE of South Dakota. Mr. Speaker, speaking for myself, I will say to the gentleman from Pennsylvania that if we can have an opportunity to vote on these two amendments separately and that a motion to concur, if desired, can be made, that is all I ask.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that the resolution offered by the gentleman from Alabama may be considered with the understanding that an amendment may be offered agreeing to one or the other or both of the Senate amendments.

Mr. DYER. Mr. Speaker, reserving the right to object, will the gentleman answer an inquiry?

Mr. PALMER. Yes.

Mr. DYER. Will this permit a vote on each of the two amendments or only on one amendment?

Mr. PALMER. If an amendment is offered to the resolution there will be a vote on it.

Mr. MONDELL. Reserving the right to object, I would like to make a parliamentary inquiry also. I did not understand the request of the gentleman from Pennsylvania.

Mr. CLAYTON. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman from Alabama has the floor, but any gentleman has a right to make a parliamentary inquiry.

Mr. MONDELL. I did not understand the motion of the gentleman from Pennsylvania.

Mr. PALMER. I was asking unanimous consent, but I am reminded of the fact that I did not have the floor when I did it.

Mr. CLAYTON. Of course, I intended no discourtesy, but what I wanted to do was to make a suggestion that perhaps would be agreeable to the gentleman from South Dakota. I understand that he wants a separate vote on the two propositions involved in the Senate amendments, the one proposition being the creation of another judgeship down here in the fourth circuit, and the other being the Cullop-Mann provision of the House bill which requires the President to make public the indorsements of any appointee to a judgeship. I can say to the gentleman that I shall ask, if I am on the conference committee, as I assume, of course, that I shall be, a separate vote on those propositions when the conference report comes back to the House. I may say to the gentleman that in all human probability there will be a separate vote on these propositions.

The SPEAKER. The Chair would like to ask the gentleman from Alabama a question. Is the gentleman now talking about the resolution that he has here or is he talking about the conference report?

Mr. CLAYTON. Mr. Speaker, I am talking about the conference report and making a suggestion, but it is pertinent to this resolution and pertinent to the suggestion made by the gentleman from Pennsylvania [Mr. PALMER].

The SPEAKER. The House has an undoubted right to pass any kind of resolution it pleases, if it ever gets a chance, but the rule about conference reports is that a conference report is adopted or rejected as a whole.

Mr. CLAYTON. I will modify this resolution by saying that there shall be a separate vote on each one of the propositions involved in the conference report.

Mr. CULLOP rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. Mr. Speaker, I would like to ask a question of the gentleman from Alabama by which I think we can come to an agreement upon this matter. While the rule requires the House to vote on a conference report in toto, without separate votes on each proposition, yet the House can make an agreement that when the report comes in, if it sees fit, a separate vote shall be had upon each of the amendments.

The SPEAKER. The Chair would submit to the gentleman from Indiana that the House can not make any such agreement. Such an agreement, if made, might bind all of the Members that are here, but it would not bind a Member who is not here, because such an agreement would be in contravention of the universal practice of the House. The House, however, can modify this resolution.

Mr. CULLOP. That is the point exactly.

The SPEAKER. By amendment it can change the resolution so that it can vote any way it pleases upon this amendment, but it can not do it by one of these loose agreements.

Mr. CULLOP. The suggestion that I desired to make to the gentleman from Alabama was that he modify his request for unanimous consent in that respect, and then I think we will have no trouble in relieving the situation.

The SPEAKER. If unanimous consent is given for the consideration of the resolution, then the House can amend the resolution in any way it pleases, provided, of course, the previous question is not ordered.

Mr. CULLOP. But in order to obtain unanimous consent I suggest that that modification be made in the request. Then I have no doubt that that consent will be given.

Mr. BURKE of South Dakota. I desire to be informed, Mr. Speaker, what the motion of the gentleman from Alabama is?

The SPEAKER. The gentleman did not make any motion. He submitted a resolution that is on the Clerk's desk.

Mr. BURKE of South Dakota. But objection was made, and then the gentleman modified that with a motion that the House go into Committee of the Whole, to do what?

The SPEAKER. The gentleman withheld that motion while the gentleman from Pennsylvania [Mr. PALMER] made some suggestions, and, as a matter of fact, there is nothing now before the House.

Mr. BURKE of South Dakota. That is what I thought.

Mr. MONDELL rose.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to consider the Senate amendments.

The SPEAKER. The gentleman from Alabama withheld that request, and now the gentleman from Alabama renews the request for unanimous consent to consider the resolution that is lying on the Clerk's table.

Mr. GARNER. But the gentleman has not made that request, Mr. Speaker.

Mr. CLAYTON. I was about to make another one if the Speaker will indulge me to state my own proposition.

The SPEAKER. Certainly; but the Chair has stated it absolutely.

Mr. CLAYTON. Having failed to get the consent of the gentleman to the first proposition I now desire to ask unanimous consent to consider the Senate amendments to the bill H. R. 32 in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider these Senate amendments in the House as in Committee of the Whole House on the state of the Union.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama this: It is perfectly clear, and I have seen it repeatedly demonstrated here several times, that on a conference report the House must vote it either up or down, and you can not have a separate vote. Now, if the gentleman's request is granted, I understand we will have an opportunity for a separate vote here on both of these propositions to-day, but we will not have a chance to have a separate vote on them when it comes back from conference.

The SPEAKER. Of course not, unless the House takes some action which would contravene the rule.

Mr. MURDOCK. Well, the House is not apt to do that but by unanimous consent.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I desire to ask if it would be in order to move to concur to the amendment of the Senate to House bill 32—amendment numbered 1?

The SPEAKER. When?

Mr. BURKE of South Dakota. Right now.

Mr. CLAYTON. When this consent is given it would be.

Mr. BURKE of South Dakota. I do not object to this consent.

The SPEAKER. If this consent of the gentleman from Alabama is granted, then the matter is in the House as in Committee of the Whole House on the state of the Union, and the House can do what it pleases with it unless some gentleman moves the previous question and carries it, which cuts off amendments, debate, and everything else.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I anticipate that the gentleman from Alabama does not contemplate moving the previous question.

The SPEAKER. The Chair does not know.

Mr. BURKE of South Dakota. I will say to the gentleman if he does he must understand he will have to have a quorum of the House to adopt it. Now, there is no objection, so far as I am concerned, to the consideration of these amendments.

The SPEAKER. Is there objection to the request?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, does the gentleman from South Dakota state there is to be no separate vote without a quorum?

Mr. BURKE of South Dakota. The gentleman did not so state and does not wish to be so quoted.

Mr. MURDOCK. Well, I was going to say, if that is true, there is no necessity for wasting this time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Now the Chair wishes to make a statement.

In the situation we are in now five-minute speeches are the practice of the House and have been for time immemorial. Yesterday, because nobody seemed to care anything about the time, the Chair let the gentleman from Tennessee [Mr. PADGETT] have an hour, and after he had done that he thought he ought to let the gentleman from Illinois [Mr. MANN] have an hour. That, however, was in contravention of the practice of the House.

Mr. BURKE of South Dakota. Mr. Speaker, if no one else desires to be recognized, I desire to be recognized.

CURRENCY.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The editorial is as follows:

SECRETARY OF STATE BRYAN ON THE CURRENCY BILL.

(Specially written for the Public Ledger.)

The currency bill, prepared by Chairman OWEN, of the Senate, and Chairman GLASS, of the House, in conjunction with President Wilson and Secretary McAdoo, is now before the country for discussion.

It is known as the President's bill, because his influence was paramount in reconciling the differences existing between those favoring currency legislation.

The President, in his message to Congress, urged immediate action and was felicitous in the language employed. He pointed out the need of legislation which will enable the business world to make use of its securities in times of emergency. While he did not outline a measure, his message should be interpreted in the light of the bill which has already been given to the public.

The first question to be considered is whether there should be immediate legislation. It would be hard to answer this question in the negative in view of the fact that the need for currency legislation has been emphasized in every quarter and by all who have cared to express themselves on the subject. The only justification that could be offered for delay would be that time was needed for an investigation of the subject.

This objection, however, can hardly be made when it is remembered that resort has been had to nearly every form of investigation during the last few years, so that it may be assumed that everyone who desires to form an opinion has had an opportunity to do so.

As a matter of fact, the fundamental principles involved in currency legislation are so well understood that no delay, however extended, and no investigation, however thorough, would be likely to change the minds of those whose duty it is to act upon the matter.

A request for delay may therefore be regarded as a motion for continuance, made by those who object to the principles upon which the bill is drawn; and a demand for further investigation can fairly be considered in the same way. So true is this that it is quite certain that those who now favor delay would, in all probability, have been the very ones to urge speedy action if the bill had been differently drawn.

When the bill is considered upon its merits one at once realizes that it is written from the standpoint of the people rather than from the standpoint of the financiers. The latter are quite unanimous in the belief that the issue of money is "a function of the banks" and that "the Government ought not to go into the banking business."

The Democratic Party, however, has consistently taken the position that the issue of money is "a function of the Government," and should not be delegated to banks. It all depends upon the point of view from which one considers this question, or for that matter any public question.

President Wilson, in his letter of acceptance and in his speeches, reiterated his determination to look at all questions from the standpoint of the people rather than from the standpoint of a privileged few. This was the central theme of his addresses, and he can not well depart from this position in the framing of a currency law, especially since the Democratic Party has never deviated from this position in its platforms.

If currency reform is to come under a Democratic President, a Democratic House, and a Democratic Senate, it must come along lines in harmony with Democratic history and doctrine.

The bill involves three fundamental principles:

First. The notes issued must be issued by the Government and not by the banks.

Second. The issue must be controlled by public servants and not by private institutions or individuals.

Third. The emergency currency issued must be issued through State banks as well as through national banks.

The bill as prepared observes these three requirements. The right of the Government to issue money is not surrendered to the banks, the control over the money so issued is not relinquished by the Government, and national banks are not given a monopoly of the benefits flowing from the issue of these emergency notes.

The people, having safeguarded their rights in the three particulars above mentioned, can afford to deal liberally with the remaining provisions of the bill. The regional reserve banks will prove of great advantage to business. Each reserve bank will be a commercial center, and this center will be much nearer to the extremes than the few large cities are to the banks which have been compelled to reach the public through them.

These regional reserve banks will give to the individual banks a security for their reserves that is lacking under the present system—a security which will go far toward preventing panics.

The national banks, however much they may be inclined to object to the extension to State banks of the right to borrow emergency Treasury notes, will find this bill so advantageous as to make them willing to accept its provisions. The right to borrow Treasury notes on an equitable basis without having to put up bonds is a distinct benefit, and yet a benefit which can be granted with advantage to the community represented as well as with safety to the Government.

When a bank is compelled to put up bonds as a security it has already parted with as much money as it can possibly borrow upon them. Hence a bond basis reduces to a minimum the advantages to be derived from borrowing.

Why should the Government require bonds as security for the loans to be made when the other security provided for is adequate? The Government can have no interest in prescribing onerous conditions to the banking world. The regional reserve bank, representing as it does

the banks of its district, would be financially good for the money borrowed even if it was not required to put up specific security, but its security is made greater by the fact that collateral will be put up to secure each loan.

It is possible, under this plan, to provide immediate relief to any section of the country, and thus cure in the very beginning a condition which, if allowed to continue, might precipitate a panic.

It is not contended that the bill is perfect in detail. No one, or even a few, can hope to draft any measure upon any important subject which will in every detail be satisfactory to the 500 Senators and Representatives who must pass upon it. Whatever defects it may have will be brought out by discussion and cured by amendment.

But, considering the principles involved, who can afford to oppose so wise a measure as that now offered? Not the general public, because their rights are fully protected. Not the business interests, for their needs are fully met. Not the State banks, for they come for the first time into association with the national banks in the enjoyment of accommodations furnished by the Government. Not the average national bank, because the President's plan is to it a life preserver. Who, then, can object?

Only two classes: Those who dispute the right of the people to issue through their Government the money which the people need, and those who, distrusting the representatives chosen by the people to guard the public welfare, would deny the Government officials control over the issuance of emergency notes.

W. J. BRYAN.

WASHINGTON, June 24, 1913.

ADDITIONAL JUDGE, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. PALMER. Mr. Speaker, I ask unanimous consent that the Senate amendments be reported.

The SPEAKER. The Clerk will report the first Senate amendment.

The Clerk read as follows:

Amendment numbered 1, page 1, line 9, strike out all after the word "therein" down to and including the word "judge" in line 11.

Mr. FOSTER. Let us have the language that it strikes out.

Mr. CLAYTON. Mr. Speaker, that is what is called the Cullop-Mann amendment to the bill and which the Senate struck out. I yield to the gentleman from Pennsylvania [Mr. PALMER]. Mr. Speaker, I move to concur in that amendment, in order to get it before the House.

Mr. CULLOP. Mr. Speaker, I desire to move that we disagree to that amendment. I move to amend the motion of the gentleman from Alabama by moving that we disagree to the Senate amendment.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] makes the preferential motion to disagree to what is known as the Cullop-Mann amendment.

Mr. CLAYTON. Mr. Speaker, I think the proposition to agree is preferential. That brings the two Houses together more quickly.

The SPEAKER. The Chair was wrong as to that. The motion to agree is preferential in this situation.

Mr. PALMER. Mr. Speaker, I rise to discuss this proposition.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. PALMER. Mr. Speaker, this proposition, in a word, is this:

The House considered and passed a bill to create an additional judge in the eastern district of Pennsylvania, an emergency matter of a very urgent character. In the House the gentleman from Illinois [Mr. MANN] offered an amendment incorporating into the bill what has come to be known as the Cullop amendment, requiring the President to make public the indorsers of the person appointed to the place.

When the bill went to the Senate, the Senate amended it by striking out this Mann-Cullop amendment. The proposition of the gentleman from Alabama now is to agree to the Senate amendment. In other words, a vote "aye" upon the proposition of the gentleman from Alabama [Mr. CLAYTON] will strike out of the bill the Mann-Cullop amendment, requiring the President to make public the names of the indorsers of the successful applicant for the place.

Now, Mr. Speaker, I want to say that I have no objection to the ingrafting upon the laws of the country this principle of the publicity of indorsers of Federal judges, although I think it is of doubtful value. I think it is likely to be nugatory, because I doubt the power of the Congress to require the President to make public those indorsements. I doubt the power of the Congress to control the President in the manner and method of his selection of Federal officials whom he is empowered by the Constitution or by the laws of the country to appoint. But I am opposed, however, to the adoption of the Mann-Cullop amendment upon this bill only because I see in it a very serious danger to the merits of this proposition. If the House insists upon this amendment, and the Senate in its present frame of mind insists that it shall not go into the law, however much we may like to see this principle settled one way or the other, our Pennsylvania judgeship will not come out of the legislative hopper. I think, therefore, that a single judgeship in a single district in the country ought not to be complicated and the peo-

ple of that district deprived of their just rights in the premises, deprived of the opportunity to have their causes tried promptly in that great district, by a difference of opinion between the Senate and the House upon a general matter of legislation such as this proposition.

Reference has been made here to the fact that the Baltimore convention in its platform declared in favor of this proposition, and therefore it is a party measure. The Baltimore platform expressed words of commendation of the principle of publicity of indorsements of all Federal positions, and that is as far as it went. Surely it did not mean that every time the Congress creates a new office either in the executive branch or the judicial branch of the Government that we should and are bound to attach to it as applying to that particular case this general principle of Executive publicity of indorsement of applicants for office.

Mr. DYER. Mr. Speaker—

Mr. PALMER. I should be perfectly willing, if a general measure should be introduced, to repeat my commendation of that proposition and to make it a part of the general law of the land, because, as I said before, it is not of sufficient importance to object; but I protest it is not fair in this case.

Mr. CULLOP. Mr. Speaker, I rise to oppose the motion.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. CULLOP. Mr. Speaker, I am not only opposed to the Senate amendments, but I am also now opposed to this bill for the reason that I gave yesterday. There is no condition now existing that requires the passage of this measure. The legislation at any time is not to be commended, but the situation now is such that its enactment is not required. The Commerce Court is to be abolished. This will leave a number of judges to be assigned for other work. There is a vacancy to-day existing in the State of Pennsylvania, or in the circuit of which it is part, by the removal of Judge Archbald from the Commerce Court. Now, then, the President can appoint his successor; he has a right to appoint him from any State in the Union, and can appoint him from the State of Pennsylvania, can appoint him, if he so desires, from the city of Philadelphia, where it will meet every requirement that the gentleman from Pennsylvania is asking for in this legislation. He has a right to appoint some one to fill that vacancy, and he can go there and take charge of that docket and dispose of the business that is said to have accumulated there now in that court.

But here is the situation which I want to call to your attention: We are making two judges for one district in the State of Pennsylvania, which is unfair to the public and, in my judgment, is absolutely unnecessary at this time. If the Pennsylvania district has gotten into the unfortunate condition that it seems to be in now, it is one of the unfortunate things that the public in that locality should bear and not the general public throughout the entire country; so that there is no necessity now—no real necessity—for the passage of this measure.

Now, as to this amendment, this is the language of the Baltimore platform. It applies to this subject, and it applies to an amendment to a bill that is general in its nature. The gentleman from Pennsylvania [Mr. PALMER] opposed it as a general law when it was up on that former occasion, in February, 1912.

Mr. PALMER. Mr. Speaker, the gentleman is mistaken.

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Pennsylvania?

Mr. CULLOP. I am glad to hear the gentleman say that. Certainly, I yield to the gentleman. I do not want to do the gentleman from Pennsylvania an injustice.

Mr. PALMER. I voted for the Cullop proposition when it was before the House as a general proposition. I object to its being fastened separately upon every judgeship bill.

Mr. CULLOP. I am glad to know the gentleman from Pennsylvania voted for it then, and hope he will do so now. It will not be fastened separately upon every separate judgeship. The proposition was objected to at first, in 1912, because it was a general proposition attached to a special bill; and now some gentlemen object to it because it is a special law fastened to a special bill; so that the gentlemen who are opposed to it are apparently very hard to please on that subject. They favor the proposition, but always want it to be tacked on to some other measure. They seem to want but apparently hope they will never get it.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. CULLOP. Now, Mr. Speaker, here is the language of the Baltimore platform. It is not subject to misconception; it is free of ambiguity; it is plain, direct, and specific, and applies directly to this principle and directly to this question:

We commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are to be made.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. CULLOP. Certainly.

Mr. WILLIS. In the discussion of this measure yesterday the distinguished gentleman from Tennessee [Mr. GARRETT] said, or I understood him to say, that this provision in the Democratic platform was to be regarded simply as a suggestion to the President and not as binding upon the House as a matter of legislation. What does the gentleman from Indiana think about that proposition?

Mr. CULLOP. Oh, the construction of this language in the Baltimore platform will not bear that interpretation at all; it is not subject to such a construction. To recommend means to indorse, and the Democratic Party in its national convention heartily indorsed that proposition, and a Democratic House here ought to carry out the provisions of a Democratic platform as made in a Democratic national convention. If it was good enough to indorse before an election, it is good enough to follow after an election.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield to me for a question?

Mr. CULLOP. Certainly.

Mr. BURKE of South Dakota. Can the gentleman tell us what the case was where the precedent was established that was commended in that platform—as to what took place in the House?

Mr. CULLOP. In the House I offered an amendment to the bill, changing a circuit judge in an Illinois district to a district judge. When that bill was under consideration I offered an amendment to it enacting this proposition into a general law, and it was adopted then upon a roll call, and it made the publicity of these recommendations general as to all judicial offices. In fact there were two roll calls involving the proposition and each time the question carried by a good majority.

Mr. BURKE of South Dakota. Then it was an amendment offered to a bill practically identical with the pending bill?

Mr. CULLOP. Certainly; and the Democratic House indorsed it on two roll calls. When the roll was called twice on the proposition it had a decided majority in this House. And when the roll was called upon this amendment when this bill was before the House for consideration, it was adopted by a decided majority. In fact this proposition was indorsed by the Democrats in the last Congress on three roll calls and each time it carried by good majorities; it has also been carried in this House on a roll call by a good majority and it would seem that the Democratic Party is now thoroughly pledged to it.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman again yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from South Dakota?

Mr. CULLOP. Yes, in a moment; and if we are to constantly take it out at the behest of the Senate, we are not going to get this legislation adopted soon. The way to get it adopted, the way to get the policy entered upon, is to attach the legislation to some such bill as this and then stand by it. I insist it properly belongs to this bill, and I insist it is the proper time to stand by the policy and insist it now be entered upon and become one of the fixed policies of this Government. Now, is the time and this is the proper place.

Mr. BURKE of South Dakota. Will the gentleman permit me to ask him a further question?

Mr. CULLOP. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman if it was not the adoption of his amendment by the two roll-call votes which adopted it as the gentleman says by an overwhelming vote, that was indorsed in the Baltimore platform?

Mr. WILLIS. Good.

Mr. CULLOP. It was; and it was the only measure on that subject passed by the Democratic House upon which the Baltimore convention could have based this plank in its platform. That was the only proposition that had been enacted into law or passed by a Democratic House bearing upon this proposition. Now, my fellow Democrats, I ask you to-day whether you stand ready to repudiate your national platform within less than a year after it was adopted, or whether you as Democrats are willing to stand by the doctrines upon which you won the national election last November, and our party was called into

power. Shall we keep the faith, administer the responsibility as directed or will we repudiate the doctrine and fail to discharge our duty as directed by the people?

To this doctrine our party is unalterably pledged, the people have approved it, and we are directed to carry it into effect. Shall we do it, or shall we falter, and fail to obey the mandate of the people? Shall we as Democrats here early in our tenure of power permit our adversaries to lead us to the defeat of a measure indorsed by our national convention, and indorsed four times by the Democrats in this and in the last Congress? Let us consider this proposition carefully before we vote it down. Let us not vote it down, but on the contrary let us adopt it by a rousing majority and keep faith with the people who have so generously intrusted us with power.

Mr. DYER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Missouri?

Mr. CULLOP. I do.

Mr. DYER. I want to ask the gentleman from Indiana if it was not himself who brought this matter directly before the committee on resolutions at Baltimore?

Mr. CULLOP. No, sir; it was not. It was not necessary for me to do so. It was so universally accepted as the Democratic doctrine that it required no individual to bring it before that convention to remind it of a cardinal doctrine of our party. The Democrats in Congress had placed their seal of approval upon it and the people of the entire country had approved their course in doing so. The doctrine for which we contend here is fundamental; it lies at the very root of free institutions; it is one wholesome to their endurance; it inspires confidence in those high in authority; it removes their conduct out of the reach of reproach in performing high, responsible, and important public duties; it gives to the people an opportunity for redress and to prevent impositions, for which otherwise there is no remedy for their prevention.

Mr. Speaker, throughout the history of this great Republic, with all its illustrious Chief Executives, we will search the history of their administrations in vain to find a single one who has opposed the principle for which we contend here. No one, though often requested, has ever, I assert, refused to cheerfully furnish the information which this amendment requires. It should be ingrafted as a law upon our statute books. For any one to have refused would have been a reflection upon his willingness to deal candidly with the people. No obstacles have ever been placed in the way of publicity by any of them. It may not always have been given, but certainly none has ever refused to do so, and I hope no one ever called to that office will ever feel inclined to deny publicity to a confiding people who honored him of every act he may be called upon to perform in the discharge of his public duties. As surely as he does, he will forfeit public confidence and invoke the distrust of the people.

This measure, as I have declared heretofore, has for its object, for its sole purpose, the protection of the Chief Executive and the courts from unjust criticism. It will, I hope and believe, perform this mission, and will inspire public confidence in both.

It infringes upon no constitutional prerogative nor does it impose any unreasonable requirement. Some speak of this as a stroke at some constitutional power now belonging to the President. I deny it. Congress has the power to take, under the Constitution, the appointment of every judge, other than the appointment of the judges of the Supreme Court of the United States, from the President and give it to the Attorney General or to the Supreme Court or any one of its members or to any of the other departments of the Government. This power is clearly defined by the Constitution, and it only belongs to the President because Congress permits him to exercise it. This only provides a duty for him to perform in making appointments, one, in my judgment, the present Chief Executive will cheerfully accept and welcome the opportunity to have thrown on the searchlight of the fullest publicity.

Mr. GARRETT of Tennessee. Mr. Speaker—

The SPEAKER. Which side is the gentleman from Tennessee on?

Mr. GARRETT of Tennessee. I am in favor of the motion of the gentleman from Alabama [Mr. CLAYTON].

The SPEAKER. The gentleman is recognized for five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, whatever may be the proper construction of the platform utterance upon this question is not, so far as I am personally concerned, material just now. If the gentleman from Indiana [Mr. CULLOP] is correct in his construction, and I am incorrect in my construction as to the meaning of the platform, I nevertheless am in this position: When this matter came originally before the House, in an amendment offered by the gentleman from In-

diana [Mr. CULLOP] to a bill creating a judgeship in the State of Illinois, I voted against the proposition.

That vote was made an issue in a campaign which I subsequently had for renomination for Congress in my district. I met that issue on the stump numerous times before my people. I then took the position that I took originally in the House and the position which I take now. And so, measured by all the practices and all the canons and all the teachings as to party platforms, I am in a position where I am committed to the people whom I directly represent against this proposition. So much, therefore, for my own position upon the question.

Now, Mr. Speaker, a word as to the merits. I am opposed to the proposition, not because I am opposed to publicity but because I do not think the Congress has the power to do that which the amendment involves.

The Constitution of the United States confers upon the Congress all legislative power that may be constitutionally exercised. It confers upon the President of the United States the executive power, and among others is the power and the responsibility of appointing the judicial officers created by the Constitution and by law. Now, as I said a few days ago in the discussion of this question, if the President of the United States should issue a proclamation declaring that every Member of Congress, before he voted on any matter of legislation, should make public all indorsements that he had received by letter or personally upon that proposed legislation, such a proclamation would be laughed to scorn. Every gentleman here knows that that would exceed the power of the President of the United States.

The same Constitution which gives the legislative authority to Congress gives to the President the power and responsibility of these judicial appointments; and I maintain that it lies beyond the constitutional power of the legislative body to impose this condition upon the President of the United States in the exercise of his constitutional authority and responsibility, which authority and power are given to him just the same as the legislative power is given to the Congress.

It was upon that ground that I voted against this amendment while a Republican President was appointing the judges. Upon that same ground I stand ready to vote, and I shall vote again in the same way, when a Democratic President is appointing the judges.

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I should like three minutes more.

The SPEAKER. The gentleman asks for three minutes more. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Will the gentleman submit to an inquiry?

Mr. GARRETT of Tennessee. I will.

Mr. BURKE of South Dakota. I will ask the gentleman if he is in favor of the Democratic platform adopted in 1908?

Mr. GARRETT of Tennessee. What does the gentleman refer to?

Mr. BURKE of South Dakota. The Democratic platform of 1908 declares in favor of publicity of indorsements for public officers, and in that same connection I should like to ask him if he indorses the platform of his party, adopted at Baltimore last year, which reaffirms the doctrine that was announced in the platform of 1908 on this subject?

Mr. GARRETT of Tennessee. Mr. Speaker, I presume the gentleman did not hear the beginning of my remarks. I stated with perfect candor my situation in regard to the matter. I stated that I voted against it before, that I was challenged upon that vote in my district, that I made my campaign for renomination upon the position which I then took upon this question, and that whatever may be the construction of the platform I, at least, am bound, according to all the teachings and practices of politics, by the position which I took before my constituents, which position was indorsed by them.

Mr. Speaker, it seems to me, furthermore, that this amendment would not reach the purpose that is desired, and for this reason: This requires that the President shall make public the indorsements of the man he appoints. Now, Mr. Speaker, if he makes public the indorsements of every man whom he appoints how can the public tell which of these indorsements was the controlling influence, or whether any of these indorsements was the controlling influence with the President? He may make the appointment upon indorsements, he may make it in spite of the indorsements, and he may make it without any indorsement whatever.

Furthermore, what public good is to be accomplished by making public the indorsements of the man whom he appoints? And if you are going into that, why not go to the full end and require him to make public—if you could do so, which you can

not—the indorsements of those whom he does not appoint? What is the logic of it? What is the purpose of it? What end do you seek? I do not object to the President doing this if he sees proper. I merely deny the power of Congress to enact the statute. I should not object to making public all letters I receive in regard to legislation, but I think no man would insist that the President could, by proclamation, compel me to do it. No more can the Congress compel him, by statute, to do this thing. You can not search his conscience by statute nor obtain his reasons by enactments.

Why, Mr. Speaker, this is not entirely a new proposition or one without precedent. Numerous Presidents have been called upon by the Senate of the United States on matters very similar to this—called upon by resolution—to furnish indorsements. And just here let me say, Mr. Speaker, that I am not at all certain but—in fact, I am inclined to believe—that the Senate of the United States would be within its constitutional right if, upon a question of confirmation of a judge arising, it should see fit to call upon the President for such indorsements and papers as might be before him touching that appointment, because under the Constitution the Senate is charged with a joint responsibility with the President in the matter of these appointments. They are appointed “by and with the advice and consent of the Senate.”

The SPEAKER. The time of the gentleman from Tennessee has again expired.

Mr. GARRETT of Tennessee. I ask for two minutes more, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee asks for two minutes more. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. But, Mr. Speaker, even that right of the Senate has been repeatedly denied by Presidents of the United States in cases almost, if not quite, analogous—by Jackson, by Tyler, by Cleveland, and various other Presidents, if I remember aright—where it involved a resolution of the Senate passed in pursuance of a desire on the Senate's part to obtain information to enable it to pass on the question of confirmation or some other question in the performance of its constitutional duty. If the Senate, which is charged with a joint responsibility, can not by resolution accomplish the end, how can we expect by statute to accomplish a purpose lying beyond our constitutional power? [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that all debate on this proposition be closed in 10 minutes.

Mr. BURKE of South Dakota. Reserving the right to object, Mr. Speaker, I would like to ascertain how many Members there are on this side who wish to speak.

Mr. MONDELL. I suggest to the gentleman from Alabama that he amend his request by making the time 1 hour. There are at least half a dozen Members on this side who desire to speak on the very important questions involved. The whole proceeding is by unanimous consent, and I am amazed that the gentleman from Alabama, after 30 minutes have been taken on that side, should suggest closing debate in 10 minutes. Gentlemen on this side desire at least an hour.

The SPEAKER. The Chair will state that he was careful to recognize gentlemen on different sides of the question.

Mr. MONDELL. I am not criticizing the Chair.

Mr. CLAYTON. Mr. Speaker, I will modify the request, but before doing so I wish to say that the gentleman from Wyoming seems to have his amaze in unusually good working order; he is usually amazed by common occurrences here. [Laughter.] But, Mr. Speaker, aside from that, I may say to the gentleman, treating him now seriously, as he is entitled to be treated always, that I think 30 minutes is enough, and I hope he will agree to that.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, that may be agreeable to the gentleman from Wyoming, but I would like 10 minutes' time.

Mr. CLAYTON. The gentleman from Kansas is also amazed.

Mr. MURDOCK. No; but I will say that this will not go along much further without a quorum unless we have an opportunity to debate the matter.

Mr. CLAYTON. I want to be agreeable, and I want gentlemen to have all the time they want.

Mr. MURDOCK. The gentleman does not appear to have that attitude.

Mr. CLAYTON. The gentleman is mistaken about that. I hope the question of no quorum will not be raised. I can not keep a quorum here.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to say to the gentleman from Alabama that I think there ought to

be two hours' debate. I think one hour's debate is desired on this side, especially if the gentleman from Kansas wants time.

Mr. MURDOCK. Mr. Speaker, I am strongly of the opinion that we need a quorum, and I make the point of no quorum.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] makes the point of no quorum.

Mr. CLAYTON. Mr. Speaker, I move a call of the House.

The SPEAKER. Does the gentleman from Kansas insist upon his point of order?

Mr. MURDOCK. Mr. Speaker, I withdraw the point of order.

The SPEAKER. Now, can the gentleman from Alabama and the gentleman from South Dakota and the gentleman from Kansas and the rest of them come to an agreement about what they want?

Mr. CLAYTON. Mr. Speaker, I do not want any time myself. It may be a few gentlemen upon this side want some time. I do not think I shall want any.

Mr. BURKE of South Dakota. Mr. Speaker, I suggest to the gentleman from Alabama that we will try to get along with 1 hour, with the understanding that the gentleman from Kansas [Mr. MURDOCK] will have 15 minutes of the hour. If the gentleman from Alabama has not anybody upon his side—

Mr. CLAYTON. Oh, I said perhaps there would be somebody. I do not think that I shall want to occupy any time. It is possible that in the range of this illuminating discussion I may feel called to say something myself, but so far it has been so well illuminated that I have not thought proper to say anything. I would think that the gentleman ought not to want all of the time. The gentleman from Kansas wants 15 minutes. How much time would the gentleman from South Dakota be content with?

Mr. BURKE of South Dakota. I will say to the gentleman that personally I do not care for any time, but there have been enough requests for time upon this side so that we could use 1 hour, but we are willing to accept 45 minutes, and that gives the gentleman from Kansas 15 minutes and ourselves 45.

Mr. CLAYTON. But, Mr. Speaker, equality is equity, and the gentleman in his proposition—

Mr. BURKE of South Dakota. We have no objection to the gentleman having an hour upon his side.

Mr. CLAYTON. We do not wish an hour. On which side of this proposition is the gentleman, may I ask?

Mr. BURKE of South Dakota. I do not think that is material at this time.

Mr. CLAYTON. It is very material whether he is for it or against it.

Mr. SHERLEY. Mr. Speaker, I desire to say that I shall object to any agreement which is made which does not make the division of time according to those who favor and those who oppose the motion before the House.

Mr. BURKE of South Dakota. Mr. Speaker, I have said to the gentleman from Alabama, and I will say to the gentleman from Kentucky, that we desire 45 minutes. The gentleman from Kansas, I understand, wishes 15 minutes. We are ready to entertain any proposition that the gentleman from Alabama may make that gives us that time.

The SPEAKER. Does that mean an hour or 45 minutes altogether?

Mr. BURKE of South Dakota. It means 1 hour upon this side of the aisle.

The SPEAKER. That is 1 hour for the Republicans.

Mr. CLAYTON. Mr. Speaker, I want to say to the gentleman that I made the motion, and that therefore I occupy the affirmative position upon it, and I assume that the gentleman from South Dakota and the gentleman from Kansas are opposed to the motion which I have made, and upon that assumption I am willing to have an hour's time given to further debate, and to divide it equally between the sides on that proposition.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he will tell the House upon which side of the question he stands?

Mr. CLAYTON. I made the motion to agree to the Senate amendment No. 1, and I think the gentleman has comprehension enough to understand that that shows the attitude of the gentleman from Alabama.

Mr. BURKE of South Dakota. But the gentleman made the statement that he did that to get the matter before the House.

Mr. CLAYTON. The gentleman made no such statement with any such meaning as that. The gentleman made that statement, of course, to bring it down to a voting proposition; but the gentleman does not play politics, as do some gentlemen upon that side, who frequently make motions and do not support them. I do not refer to the gentleman from South Dakota.

The gentleman from Alabama has never been guilty of playing that sort of politics in the House up to this time.

The SPEAKER. What is the request?

Mr. CLAYTON. Mr. Speaker, my request is that one hour be given to the debate on this proposition, at the end of the hour the debate on the amendment to be closed, and that the time, one hour, be equally divided between those favoring the motion and those opposing it.

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. In the event of the adoption of this agreement, who will have control of the time upon the respective sides? I want some understanding about that.

The SPEAKER. The gentleman in the chair will control the time for both sides, unless there is an agreement about it. Under the rule as always practiced by anybody presiding, the Chair gives as much time to the affirmative as to the negative, and vice versa. If any agreement is entered into about the control of the time, of course that is observed by the Chair.

Mr. MONDELL. Mr. Speaker, the gentleman from Alabama ought to realize that all these proceedings are practically by unanimous consent, and my "amazer," as he terms it, is still working. I will say to the gentleman that I am more amazed than ever that he quibbles over the matter of giving an hour's time to this side for the discussion of this question or these important questions. It does not occur to me it is a matter that need disturb the gentleman whether the time is to be used on this side for or against his proposition. The usual manner of dividing the time is to divide it by giving control of the time to one gentleman on either side. The gentleman from South Dakota has asked for an hour on this side, and the gentleman might just as well understand that unless we get some sort of a reasonable agreement the proceedings are likely to be closed. If the gentleman is anxious to have his measure passed—I am anxious that it shall be passed in proper form—I can not understand why he does not give the House, in the absence of any other pressing business, an opportunity to discuss this matter.

Mr. CLAYTON. Now, is the gentleman through with his deliverance?

Mr. MONDELL. The gentleman is through.

Mr. CLAYTON. It sounds like that bird speech the gentleman has been making three or four times before the House. I have heard it before and will hear it again; next time it will be on the bird subject, perhaps, or something else; but, Mr. Speaker, in reply to the last suggestion made by the gentleman that there is nothing else for the House to do, I will say that next to this bill on the calendar, which I desire to call next after this is disposed of, is an amendment to the Erdman arbitration law, and I want to say to the gentleman that I hope, if this matter can be disposed of without raising the question of a quorum and without much delay, to endeavor to pass that amendment to the Erdman Act in an effort to avert a railroad strike, the largest that the country has ever known. The bill is now on the calendar and ought to have the consideration of the House. It has been considered by the Committee on the Judiciary, amended, and it is agreed to by all parties concerned, and it will keep off the disastrous effect that may come from a referendum strike vote now being taken by a large number of railroad employees. Now, I have no disposition to be captious, I do not want to be, about reasonable debate, but it seems to me when we have already been talking for nearly an hour about this simple amendment, which we all understand, no amount of debate is going to change any man's mind on it—

Mr. BURKE of South Dakota. Will the gentleman submit to an inquiry?

Mr. CLAYTON. Certainly.

Mr. BURKE of South Dakota. I would like to call the gentleman's attention to the fact there has been about 30 minutes' debate on the proposition on that side of the House, not on the same side of the question—

Mr. CLAYTON. Oh, no—

Mr. BURKE of South Dakota. And some 20 minutes in trying to make this agreement—

Mr. CLAYTON. I think the gentleman himself consumed some time.

Mr. BURKE of South Dakota (continuing). I think the gentleman ought to be satisfied with half an hour on that side of the House and let us have an hour on this side of the House, which equals the time.

Mr. CLAYTON. I can not agree to anything except an equal division of time. I demand the regular order, Mr. Speaker.

The SPEAKER. The regular order is to put the request of the gentleman from Alabama for an hour.

Mr. BURKE of South Dakota. I presume gentlemen will be recognized under the five-minute rule for debate.

The SPEAKER. Debate is exhausted under the five-minute rule.

Mr. MONDELL. Mr. Speaker, what is the request of the gentleman?

The SPEAKER. The gentleman's request is to have an hour to be divided equally between the Democrats and Republicans.

Mr. MONDELL. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing—

Mr. MONDELL. Mr. Speaker—

Mr. RODDENBERRY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERRY. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. If a gentleman desires to submit some remarks in opposition to the motion to concur in the Senate amendment, he may obtain recognition for that purpose in what way?

The SPEAKER. By asking unanimous consent. The rule is explicit that, on an amendment, in the situation in which we find ourselves, there is 5 minutes' debate for and 5 minutes' debate against the proposition, and we have already had about 10 or 15 minutes, nobody raising the question.

Mr. RODDENBERRY. A further parliamentary inquiry.

The SPEAKER. The gentleman from Georgia can get the right to speak by moving to concur with an amendment.

Mr. RODDENBERRY. I was going to make that inquiry, namely, if recognition could not be had by moving a substitute.

The SPEAKER. You have a right to do anything you please on this amendment that the House has a right to do.

Mr. MURDOCK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. Mr. Speaker, before making the motion I desire to occupy about 10 minutes, and maybe a little longer, in submitting some views touching this motion. If necessary, I will make some sort of a motion in order to do it. I shall be glad to proceed by making a motion, but not having a desire to make a motion—

The SPEAKER. The Chair will state to the gentleman from Georgia that the matter before the House is the request of the gentleman from Alabama [Mr. CLAYTON]—

Mr. BURKE of South Dakota. I desire to submit a proposition for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I desire to ask that there be two hours of debate on the pending amendment, one-half of the time to be controlled by the gentleman from Alabama [Mr. CLAYTON], 15 minutes by the gentleman from Kansas [Mr. MURDOCK], and 45 minutes by myself.

Mr. FOSTER. I object, Mr. Speaker.

Mr. MURDOCK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Is not the demand of the gentleman from Alabama [Mr. CLAYTON] for the regular order equivalent to moving the previous question in this condition of affairs?

The SPEAKER. Of course it is. It has just exactly the same effect.

Mr. DYER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. DYER. I ask unanimous consent to address the House for one minute.

Mr. FOSTER. I shall not object to this request, but I will to any others.

The SPEAKER. The gentleman will proceed for one minute.

Mr. DYER. Mr. Speaker, this matter of an additional judge for Philadelphia has been before the Judiciary Committee for quite a while. There have been hearings had before that committee, and there is great necessity, in order that public business may be discharged, that this bill should become a law at this time in order that the situation may be relieved. We ought not here this afternoon to delay the passage of this bill and prevent the discharge of public duty there, with many litigants waiting for the disposition of their cases, because of this question which has come before us, from the Baltimore convention, perhaps. We had best forget the Baltimore convention and everything that happened there and get down to the passage of this most important bill, which the country, and especially the Philadelphia litigants, need.

Mr. MONDELL. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Wyoming raises the point that there is no quorum present, and evidently there is not.

Mr. CLAYTON. Mr. Speaker, I move the call of the House. The motion was agreed to.

The SPEAKER. The call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Is the vote on a call of the House or on the motion of the gentleman from Alabama [Mr. CLAYTON]?

The SPEAKER. That has already been carried.

Mr. MURDOCK. No, Mr. Speaker; the motion of the gentleman from Alabama has not been carried, if the Chair will permit.

The SPEAKER. The Chair put the motion and announced that those in favor of it should vote "aye" and those opposed should vote "no," and declared that the "ayes" had it.

Mr. SABATH. That was on the call of the House, Mr. Speaker.

The SPEAKER. Of course it was on the call of the House.

Mr. MURDOCK. I am speaking as to the motion of the gentleman from Alabama to concur in Senate amendment No. 1.

The SPEAKER. The vote that was just taken was not on that.

Mr. MURDOCK. But the motion of the gentleman from Alabama is pending.

The SPEAKER. But no division was taken on that.

Mr. PALMER. Mr. Speaker, I make the point of order that, debate having been exhausted upon the motion of the gentleman from Alabama [Mr. CLAYTON], there was nothing before the House except his motion, and therefore upon a call the question is upon the motion of the gentleman from Alabama.

Mr. HARDWICK rose.

Mr. DYER. Mr. Speaker, will the gentleman yield there?

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized.

Mr. HARDWICK. The gentleman is clearly in error in his contention. The call of the House is simply to get the presence of a quorum, and it is not—

The SPEAKER. Of course; there is no question about it. The Chair declines to hear any argument on that side of it.

Mr. PALMER. I have not denied that.

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House do now adjourn.

Mr. PALMER rose.

The SPEAKER. The Chair will entertain that motion in a minute. The gentleman from Pennsylvania [Mr. PALMER] is recognized.

Mr. PALMER. Mr. Speaker, the Speaker had actually put the question and the House had not divided upon it, because after a discussion relative to a unanimous-consent proposition all the debate had been exhausted on the proposition; and the Chair had put the question to the House and the point of no quorum was then made.

The SPEAKER. No; the gentleman from Pennsylvania is mistaken as to his facts. What happened is this, that the Chair started to put the question, but never did put the question, because as soon as he rose and stated that the question was on the motion of the gentleman from Alabama [Mr. CLAYTON] to concur in this amendment, he got no further, and then the gentleman from Alabama rose and asked something about unanimous consent that debate close. That is the condition it was in, and there is no question about what the call of the House is on. The call of the House is to ascertain whether we can muster a quorum or not.

Mr. WILLIS. Regular order!

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. BURKE of South Dakota. A division, Mr. Speaker.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] demands a division. Those in favor of the motion to adjourn will rise and stand until they are counted. [After counting.] Twenty-three gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Ninety-one gentlemen have arisen in the negative, and the House refuses to adjourn.

Mr. BURKE of South Dakota. Mr. Speaker, on this question I demand the yeas and nays.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are

counted. [After counting.] Nineteen gentlemen have arisen in the affirmative.

Mr. DYER. Mr. Speaker, I desire to make a unanimous-consent request, if it is in order.

The SPEAKER. What is it?

Mr. DYER. I ask unanimous consent that we divide the time on this question and have two hours' debate on the question of these amendments.

Mr. FOSTER. Mr. Speaker, I make the point of order that no discussion is in order, a gentleman over on that side having made the point of no quorum.

Mr. DYER. I did not make it.

The SPEAKER. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. There is so much confusion in the Chamber that the Chair will count again. [After counting.] Twenty gentlemen have arisen in the affirmative—not a sufficient number, and the yeas and nays are refused.

Mr. BURKE of South Dakota. Mr. Speaker, I demand the other side.

The SPEAKER. The other side is demanded. Those opposed will rise and stand until they are counted. [After counting.] Ninety-six gentlemen have arisen in the negative—not a sufficient number, and the yeas and nays are refused. The Clerk will call the roll.

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. I ask, Mr. Speaker, if this roll call is for the purpose of procuring a quorum, and if we should vote "present," or is it a yeas-and-nays vote on the pending question?

The SPEAKER. This is a call of the House, and gentlemen will answer "present" if they want to answer at all. It is not a vote on any proposition. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Ainey	Esch	Kennedy, Conn.	Patton, Pa.
Allen	Estopinal	Kennedy, Iowa	Payne
Anderson	Fairchild	Kennedy, R. I.	Peters
Ansberry	Faison	Kent	Peterson
Anthony	Farr	Kiess, Pa.	Plumley
Ashbrook	Finley	Kindel	Porter
Aswell	Fitzgerald	Kinhead, N. J.	Prouty
Avis	Flood, Va.	J. R. Knowland	Rainey
Bailey	Floyd, Ark.	Konop	Rayburn
Baker	Fordney	Korby	Reed
Barchfeld	Francis	Kreider	Reilly, Wis.
Bartlett	Frear	Lafferty	Richardson
Beall, Tex.	Gallagher	Langham	Riordan
Beil, Cal.	Gard	Langley	Roberts, Mass.
Borchers	Gardner	Lee, Ga.	Roberts, Nev.
Bremner	Gerry	Lee, Pa.	Rogers
Brodbeck	Gillett	L'Engle	Rothermel
Broussard	Glass	Lenroot	Saunders
Brown, N. Y.	Godwin, N. C.	Lever	Scully
Brown, W. Va.	Goeke	Levy	Sells
Browne, Wis.	Goldfogle	Lewis, Md.	Sharp
Browning	Good	Lewis, Pa.	Sherwood
Bruckner	Goodwin, Ark.	Lieb	Slayden
Brumbaugh	Gordon	Lindquist	Slomp
Buchanan, Tex.	Gorman	Linthicum	Sloan
Bulkley	Goulden	Lobeck	Smith, Md.
Burgess	Graham, Pa.	Logue	Smith, Saml. W.
Burke, Pa.	Green, Iowa	Loneragan	Smith, Minn.
Burke, Wis.	Greene, Mass.	McClellan	Smith, N. Y.
Butler	Greene, Vt.	McGillcuddy	Stafford
Calder	Gregg	McGuire, Okla.	Steenerson
Campbell	Griest	McKellar	Stephens, Nebr.
Cantrill	Griffin	McKenzie	Stephens, Tex.
Carew	Guernsey	McLaughlin	Stevens, Minn.
Cary	Hamill	Madden	Sutherland
Casey	Hamilton, Mich.	Mahan	Switzer
Clancy	Hamilton, N. Y.	Maher	Taggart
Clark, Fla.	Hamlin	Manahan	Talbott, Md.
Cline	Hammond	Mann	Taylor, N. Y.
Connolly, Iowa	Harrison, N. Y.	Martin	Temple
Conry	Haugen	Merritt	Ten Eyck
Covington	Hay	Metz	Thacher
Cramton	Hayden	Miller	Thompson, Okla.
Crisp	Mayes	Montague	Townsend
Curley	Heffin	Moon	Treadway
Dale	Helvering	Moore	Vare
Danforth	Hill	Morin	Walker
Davenport	Hinebaugh	Morrison	Wallin
Davis, W. Va.	Hobson	Moss, Ind.	Walters
Dershem	Hoxworth	Moss, W. Va.	Whaley
Dies	Hughes, W. Va.	Mott	Whitacre
Difenderfer	Hulings	Nelson	White
Donohoe	Johnson, Ky.	Norton	Wilder
Donovan	Johnson, S. C.	O'Brien	Williams
Doolling	Johnson, Utah	Oglesby	Wilson, N. Y.
Doremus	Jones	O'Hair	Winslow
Driscoll	Kahn	O'Leary	Woodruff
Dunn	Keister	O'Shaunessy	
Eagan	Kelley, Mich.	Parker	
Edmonds	Kelly, Pa.	Patten, N. Y.	

The SPEAKER. This roll call shows 191 Members present, not a quorum. It takes 216 at the present time to make a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 45 minutes p. m.) the House, under the order heretofore agreed to, adjourned until Wednesday, July 2, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Columbia River at Cathlamet, Wash. (H. Doc. No. 120); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on Charlotte Harbor, Fla., with a view to obtaining a channel 20 feet in depth, with suitable width (H. Doc. No. 121); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of inland waterway connecting How Creek and Tomoka River, Fla. (H. Doc. No. 122); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 6562) to regulate the employment of minor children in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HULL: A bill (H. R. 6563) for removing obstructions, etc., from Obed River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 6564) granting a pension to Isabel Troutman; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 6565) granting an increase of pension to Hiram B. Greenly; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 6566) granting an increase of pension to Henry J. McNutt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6567) granting an increase of pension to William Lowe; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 6568) granting a pension to Robert Campbell; to the Committee on Pensions.

Also, a bill (H. R. 6569) granting an increase of pension to Nathan Wright; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 6570) granting an increase of pension to George D. Harris; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 6571) for the relief of James W. Turner; to the Committee on Military Affairs.

Also, a bill (H. R. 6572) for the relief of George W. Raney; to the Committee on Military Affairs.

Also, a bill (H. R. 6573) granting a pension to Marion E. Strunk; to the Committee on Pensions.

Also, a bill (H. R. 6574) granting a pension to Cornelia Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6575) granting a pension to Paul Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6576) granting an increase of pension to Ade Hayes Garrett; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 6577) granting an increase of pension to Fred G. Hauver; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

Mr. WILSON of New York presented a petition of the National Grange legislative committee, relative to the present tariff bill, and asking that immediate reduction be made in the excessive protection of many staple manufactured articles, which was referred to the Committee on Ways and Means.

SENATE.

WEDNESDAY, July 2, 1913.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Saturday last was read and approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce, transmitting, pursuant to law, a list of papers that have accumulated in the Department of Commerce that are no longer needed or useful in transacting the current business of the department and have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] as the members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment of the committee.

INHABITED ALLEYS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 120).

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 17th ultimo, a statement of the names, residences, and occupations of persons owning and renting houses and rooms within the more densely "inhabited alleys" of the District of Columbia, and also a copy of a directory of alleys in Washington, D. C., which, on motion of Mr. WORKS, was, with the accompanying papers, referred to the Committee on the District of Columbia and ordered to be printed.

LOUISA S. JOHNSON AGAINST UNITED STATES (S. DOC. NO. 121).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of Louisa S. Johnson, widow of William Johnson, deceased, v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

STATUE OF ZACHARIAH CHANDLER.

The VICE PRESIDENT laid before the Senate a communication from the lieutenant governor of the State of Michigan, presenting to the Government and the people of the United States on behalf of the Michigan Legislature a marble statue of the late Zachariah Chandler, of that State, which was referred to the Committee on the Library.

Mr. SMITH of Michigan. I ask that the communication be printed in the Record.

There being no objection, the communication was ordered to be printed in the Record, as follows:

STATE OF MICHIGAN.

To the SENATE AND HOUSE OF REPRESENTATIVES,
Washington, D. C.:

Pursuant to action of the Legislature of the State of Michigan, there has been erected in the Capitol of the United States a marble statue of the late Zachariah Chandler, of Michigan. On behalf of the people of this State, I have the honor and pleasure of presenting to the Government and people of the United States this statue of one whose ability, strength of character, and achievement, both in State and National affairs, entitled him not only to a place as one of Michigan's favorite sons, but also to a place as one of the Nation's great statesmen. Senator Chandler came to Michigan while still a young man. Entering into the business life of Michigan's chief city, he acquired a competence and then gave his time and ability to public affairs. He had not the opportunity for a finished literary education, but from his broad business experience he garnered a knowledge more thorough than any college course could have furnished. He was a man of firm convictions and unchanging devotion to public duty. Every student of history will recognize in Senator Chandler one of the great men of the period in which he lived. He was a tower of strength to every cause he espoused and his grim determination and thorough preparedness made him the center of any conflict in which he took part. He neither asked nor gave quarter.

Such rugged and uncompromising characters are necessary in every great crisis, and Michigan presents this statue that future generations may know that in this, as in every age, true greatness is measured by patriotic and unselfish devotion to duty.

Very respectfully,

JOHN Q. RESS,

Lieutenant Governor of Michigan.

MUSKEGON, MICH., June 17, 1913.

Mr. SMITH of Michigan. Mr. President, out of order, if I may prefer the request, I would ask unanimous consent to consider Senate concurrent resolution No. 4, now on the table.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent out of order to consider a concurrent resolution which will be read.